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Changing Attitudes Toward Halakhah

Simcha Fishbane Tamar Ross Leila Bronner

Ari and Naomi Zivotofsky

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STATEMENT OF PURPOSE

In increasing measure, modern men are turning again to the quest for a worldview on the issues that are timeless — the meaning of life, the challenge of death, the purpose of suffering, the significance of the individual, his relation to society, and the goal of history. In order to advance this enterprise of spiritual discovery of our time this Journal has been projected. It will be primarily concerned with the philosophy, ethics, and religion of Judaism as a factor in the contemporary world . . .

We are committed to the proposition that Judaism has positive value today for Jews and for the world . . . At the same time, we disassociate ourselves from the dangerous tendency toward the hardening of party lines on the contemporary Jewish scene . . . The members of the Board of Editors belong to every school of Jewish life or to none. The trends popularly referred to as Orthodox, Conservatism, Reform, Reconstructionism, as well as others that as yet have no specific names, have their advocates among us, though no institution or movement is officially represented . . . Undoubtedly, our differences will find expression in these pages, but we shall be at one in opposing the dogmatism which takes for granted that one's own particular standpoint has a monopoly on truth and the authoritarianism which would suppress any contrary point of view.

Judaism will be dedicated to the quest for truth in the spirit of freedom. Our columns will be open to anyone who has something significant to say and the ability to say it well. New and unconventional interpretations, whatever their standpoint, will be welcomed from every source, for we share the conviction of the Talmud that "Both these and the others are the words of the living God." *From the introductory article by Robert Gordis, "Toward a Renaissance of Judaism" in Vol. I, No. 1.*

Further on Women as Prayer Leaders and Their Role in Communal Prayer: An Exchange

Communal Prayer and Women

MICHAEL J. BROYDE

I. Introduction

PROFESSOR JUDITH HAUPTMAN'S ARTICLE, "Women and Prayer: An Attempt to Dispel Some Fallacies" (JUDAISM 42:94-103 [1993]), addresses two fundamentally different issues. Hauptman's first section, which reviews the obligation of women to pray, is on point. Jewish law requires men and women to pray daily, and the overwhelming majority of authorities rule that this obligation encompasses the duty for all to say certain fixed prayers, including *shemoneh esrei* (the "Eighteen Benedictions") every day. Anyone who is involved in the Orthodox Jewish day school system knows that such is the policy of all Jewish schools and communities.¹ Even the Artscroll prayerbook (p. 979) states clearly that the preferred opinion is that women recite *shemoneh esrei* twice each day. The standard blackletter law work on this topic states "Women are obligated — according to most authorities — to recite *shemoneh esrei* both *shaharit* and *minhah*."²

However, the second section, where Hauptman discusses the possibility of women as communal prayer leaders, is mistaken on matters of basic Jewish law. It assumes that because women are generally obligated to pray, they can fulfill the role of *shaliah zibbur*/cantor in communal prayer. This is incorrect according to classical Jewish law, as it misses the crucial role of *minyan*/quorum which is required for communal prayer with a *shaliah/zibbur*/cantor serving as a leader.

II. Communal Prayer and Women

Communal prayer is a rabbinic obligation which is a time-based positive commandment. Women are not obligated in *communal prayer* under any circumstances according to Jewish law and, thus, do not count in the *minyan*/quorum required for that purpose; see Rabbi J. Karo, *Beit Yosef*,

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commenting in *Tur*, O.H. 55 and *Shulhan Arukh* O.H. 55, which state that “one cannot say *kaddish* with less than ten adult free males, and the same is true for *kedusha* and *barkhu*.” Men are obligated to (at least) insure the presence of communal prayer with a *minyan*/quorum, and to themselves pray with a *minyan*/quorum whenever possible.³

While there is some discussion in Jewish law as to whether a woman can ever count in a *minyan*, it is clear that the overwhelming majority opinion — with only one dissent in the early authorities (*rishonim*), and none in the later authorities (*ahronim*) — rules that women do not count in a quorum/*minyan*, even for the tenth person and even in a time of need. Rabbis Karo and Isserless express this clearly when they state⁴ that the practice is *never* to count a woman to the quorum for prayer. Even the single early authority (Rabbeinu Simḥah) who disagrees, appears to limit his permissive rule to a single woman.⁵

Indeed, one might ask why are women not exempt from prayer generally, as it is time-based. The Talmud⁶ itself replies by stating that prayer — even though it has certain characteristics of a time-based commandment — is not considered one, since prayer is our beseeching God for mercy, which all should do. As noted above, Jewish law distinguishes between prayer, which all are obligated in, and communal prayer, from which women are exempt.

Undoubtedly, the rationale for exempting women from any obligation to *communal prayer* is related to the general exemption given to women for time-based positive commandments. As Hauptman correctly notes, Jewish law rules that people who are not equally obligated cannot fulfill the obligation for others. Thus, *it is clear that women are not obligated in communal prayer, do not count in the quorum for communal prayer, and cannot lead communal prayer*.⁷ This rule, and its implications, was not mentioned by Hauptman. Any discussion of women as prayer leaders, without a discussion of *minyan*/quorum and who counts in it, is incomplete. Indeed, it is clear that there are a number of people (besides women) who are fully obligated in daily prayer generally but yet do not count towards the quorum.⁸

The discussion of the person whose beard does not grow in, referred to by Hauptman as perhaps precedent for women as communal prayer leaders, is an erroneous analogy, as that person is fully obligated in communal prayer and counts in the quorum, unlike women. The concept of “community honor” (*kavod hazibbur*) employed to discourage the unbearded person from leading services plays no role in the reason why women cannot be leaders in community prayer. “Community honor” is relevant only once the person is fully obligated (like the unbearded man, and unlike the woman who is not obligated in communal prayer).⁹

The corollary of this principle is well known: In situations where women do count in the *minyan*/quorum, they should be able to fulfill the obligation for others as a leader. This is, in fact, widely discussed in ha-

lakhah concerning the rules for the reading of the *megillah* on Purim. Some authorities rule that a woman can read a *megillah* for men because their obligation is identical, and that women count in the *minyan/quorum* needed to recite the final blessing at *megillah* reading.¹⁰ Additional examples of this phenomena abound: for example, Rabbi Joseph Engel rules that the *quorum/minyan* required for public martyrdom needs not ten men, but ten adult Jews, as women, too, are fully obligated in the sanctification of God's name.¹¹

Furthermore, the crucial role of *minyan/quorum* in the *amidah* prayer (the "Eighteen Benedictions" said three times daily) is compounded by the fact that *shemoneh esrei* is an exception to the general rule of rabbinic jurisprudence that one can fulfill one's obligations to recite any given prayer or text by listening to that prayer when it is recited by another who is equally obligated. This general rule allows one not to recite *kiddush* on Friday night oneself, and makes it acceptable to listen to another recite it and answer "amen." (Thus, since men and women's obligation is the same for *kiddish*, a women can fulfill this obligation for a man.¹²) However, *minyan/quorum* is so important for *shemoneh esrei* that, according to most authorities, when it comes to that prayer one cannot fulfill one's obligation to pray by merely listening to another recite the prayer and answering "amen" — unless a *minyan/quorum* is present.¹³

Minyan/quorum is thus a *sine qua non* requirement for fulfilling one's obligation of *shemoneh esrei* without actually saying the words. Hauptman's references to the general rule of fulfilling one's obligation through another, and her application of these rules to *shemoneh esrei*, is misplaced, since *shemoneh esrei* is an exception to the rule and needs a *minyan/quorum* in order to fulfill the obligation of those who do not actually pray.

Thus, the crucial issue in women's inability to be communal prayer leaders is the role of *minyan/quorum* in communal prayer and who is obligated in communal prayer. That discussion is missing from Hauptman's article.

III. Communal Prayer and Women in Recent Discussions

One who reviews the literature produced in the early 1970s, both supporting and criticizing the decision by the Conservative Rabbinical Assembly to count women in a *minyan/quorum*, sees clearly that the issue of women as prayer leaders is the same as the issue of women counting in a *minyan/quorum*; and the proper question is, "are women obligated in *public* or *communal* prayer?" Indeed, the numerous papers produced on that topic all focused on precisely that issue. For example, Moshe Meiselman states that "Women are not required to participate in *public* prayer and hence cannot lead public prayer."¹⁴ David Feldman, writing in *Conservative Judaism*, states that "The ordinary *minyan* for daily prayer is made up of ten people who share the obligation of *public* prayer...Women are

exempt from [public prayer]...since [it is a] time based affirmative commandment.”¹⁵ So too, Rabbi J. David Bleich recounts that “while there is no lack of halakhic authorities who maintain that women are obligated to recite the *amidah* [*shemoneh esrei*] twice daily (*shaharit* and *minḥah*), no halakhic authority maintains that women are obligated to pray with a *minyan*.”¹⁶

Even Philip Sigal, the author of the responsum adopted by Conservative Judaism which allowed women to be counted in a *minyan*/quorum, recognized that the crucial issue is women’s obligation in *public* prayer. He states, writing in *Conservative Judaism and Jewish Law*, that “a woman is obligated to *public* worship...when one is obligated one can contribute to the public fulfilling its obligation.”¹⁷ While it is clear to the author that Sigal is in error as to the presence of an obligation upon women to participate in public communal prayer according to classical Jewish law (there is no such obligation¹⁸), he clearly understood that, in order to allow women to be prayer leaders or count in a *minyan*/quorum, *one must show that women are obligated in public prayer*. Whatever the merits of Sigal’s piece,¹⁹ at least the right question was posed — women’s obligation to public prayer — something which was not done in Hauptman’s article.

IV. *Change in Jewish Law*

Hauptman’s final comments about Jewish practices affected by social change is completely inapplicable to the case of women leading *communal* prayer, as each of the cases she cites involves only a change in custom or a change in the facts. They do not involve a change in the legal rules used. As I have noted in a prior article in *JUDAISM*, it is important to:

...distinguish between changes in the principles used by *halacha* and differences in results provided by *halacha* to questions based on novel social or technological situations. Few would deny that *halacha*’s response to any given question depends on the factual reality of the times...Different decisions frequently result from the consistent application of fixed principles to dissimilar settings.²⁰

Changes in facts or customs, which can be shown to have occurred, by no means provide the historical precedent needed to justify the broad systemic legal changes needed for women to function as a cantor/*shaliaḥ zibbur* as suggested by Hauptman. That change would require an alteration in the legal principles used. Such a legal transformation cannot be supported by historical reference to changes in social custom or facts.²¹

V. *Conclusion*

In sum, the crucial issue in the question of whether women can lead communal prayer is: are women obligated in *public* prayer. The presence of a woman’s private obligation to pray is irrelevant to this issue.

One who looks in the rules of prayer found in *Orah Hayyim* (O.H.)

chapter 106, for a discussion of women's obligation according to Jewish law to pray, finds that women are obligated to pray every day. One who looks further in chapter 106 for a discussion of women's role in *communal prayer* could come to a mistaken — but reasonable sounding — answer, that women are obligated in communal prayer, since who is obligated in public prayer and who counts in a *minyan*/quorum is not discussed in this chapter, and thus it might appear that women's and men's obligations are identical. This is mistaken. The right place to look is O.H. chapter 55, and the right answer is that women are not obligated in public prayer, do not count in the prayer quorum/*minyan* needed for communal prayer, and thus cannot be prayer leaders for communal prayer since they are not obligated in such prayer.

I suppose that there can be many possible “justifications” given for the common practice of synagogues which allow women to function as communal prayer leaders. None of them, however, are of any merit within classical Jewish law, as women — even as they are obligated to pray every day and according to many authorities twice a day — are not obligated in communal prayer, do not count in the quorum required for it, and thus cannot lead communal prayer. Hauptman's assertion that, but for the notion of communal honor, classical Jewish law would allow women to lead public prayer services with a quorum/*minyan*, is simply incorrect.*

* Indeed, Hauptman's analysis of gender based talmudic rules is sometimes textually erroneous also. For example, Hauptman's explanation of *Berakhot* 20b's curse on a man who allows another to fulfill his obligation to recite Grace After Meals, involves both a misquotation of a talmudic source and a misinterpretation of it. Hauptman states:

A tannaitic source appearing in the Babylonian Talmud, in conjunction with Mishnah *Berakhot* 3:3, provides some insight: “A woman may recite Grace for her husband...but a curse alights on any man who allows his wife to do so” (20b). Since other sources make perfectly clear that one man may recite Grace for another, the explanation of the *braita*'s use of the curse metaphor regarding a woman's inability to recite Grace for a man — even though she herself is obligated — seems to be that, in addition to obligation, a person needs *social status* in order to qualify as a prayer leader.

The Talmudic source is misquoted. It states: “A son may recite Grace for his father, a slave may recite Grace for his master, a woman may recite Grace for her husband, but the Sages stated that a curse alights on any man who allows *his children or wife* to do so.” It is clear from the talmudic text — and particularly from the words “his children” left out by Hauptman without any ellipses — that the Talmud is cursing a man because he is incapable of fulfilling his own ritual obligation and needs to rely on others, even in the privacy of his own home, to fulfill the obligation; indeed, he is cursed even when he uses his adult male sons to fulfill his obligation. No curse is placed on “a woman's inability to recite grace for a man” — it is a man's relying on others in his household to fulfill his own obligation that is abhorred. *The statement by Hauptman, derived from this source, that “in the tannaitic period, social status is defined by gender” can only be supported through the deletion of the words “his children” from the Talmud text.*

Others accept that this text is only legally correct if the man did not eat until he is satiated, in which case no Biblical obligation is present, and women, children, and slaves who are excused from Grace according to Biblical law then can fulfill the obligation; see Ram-

bam, *Laws of Blessings* 5:15-17 and comments of Ravad. However, Hauptman, who interprets this text according to those who rule that women and slaves are Biblically obligated (and would thus assert that “children” refers to “adult children”) cannot adopt that posture. Whatever precise case the Talmud is referring to, it is completely clear that the curse is unrelated to gender, and is directed as a criticism of those who are ritually crippled and must rely on others for their basic liturgical needs.

NOTES

1. As a matter of sociology, I doubt the correctness of Hauptman's initial assertion that “Orthodox women find this perceived exemption [from daily prayer] a useful rationale for not praying daily.” I suspect that most Orthodox women who are the product of the Orthodox day school network do, in fact, pray every day (the more recently one graduated, the greater the likelihood). I would, however, wager that the overwhelming majority of women (and for that matter, men — although that is a different topic) who affiliate with the Conservative movement (to which Hauptman belongs) do not pray every day.

2. R. Yizhak Pokas, *Tefilah Kehilkhata* 1:8. The minority opinions referred to in this work are not that opinion mentioned by Hauptman which excuses women from any formal prayer, but rather the opinions of various Sefardic authorities who require that women recite either one *shemoneh esrei*, or all of them.

One small omission is found in the first section of Hauptman's piece. In her summary of the various opinions of the early commentaries concerning whether prayer is Biblical or rabbinic in origin, she misstates the opinion of Nahmanides. Nahmanides does not rule that all prayer is rabbinic; he states that prayer is Biblically mandated in times of trouble, and in all other times is rabbinically mandated; see *Commentary of Nahmanides on Maimonides, Sefer Hamizvot* 5.

3. *Tefilah Kehilkhata* 8:4, which clearly states that women are not obligated in communal prayer; such statements are also found in Responsa *Shevuot Ya'akov* O.H. 3 and *Teshuvot Me'avavah* 2:229; see generally *Tur* and *Shulhan Arukh* O.H. §90 for a discussion of the parameters of the obligation to pray with a *minyan*.

4. See *Beit Yosef* O.H. 55, s.v. “*vekatuv b'Mardekhai*,” *Darkhai Moshe HeArukh* O.H. 55(3). Indeed, Rama faithfully excludes this possibility from his glosses on *Shulhan Arukh* O.H. 55:4.

5. Rabbenu Simḥah is cited in the Talmudic commentary of Mordecai ben Hillel (the Mordecai), *Berakhot* 173. Indeed, an examination of even Rabbenu Simḥah's rationale for counting women in a *minyan*/quorum underscores the complete absence of relationship between obligation to pray privately and counting in a *minyan*/quorum according to normative halakhah. Rabbenu Simḥah's ruling is an extension of the minority talmudic opinion of Rabbi Yehoshua ben Levi that a single slave can also count in a *minyan* even though he is not obligated in public prayer. Rabbenu Tam accepted as a matter of theory the opinion of Rabbi Yehoshua ben Levi as one which one can rely on in a time of need (although he would not follow it as a matter of practice); most authorities disagree and require ten adult free males; see *Tur* O.H. 55:3 and comments of *Beit Yosef*. Rabbenu Simḥah extended the minority opinion of Rabbenu Tam: if a minor or slave can count for the tenth — even though not obligated in public prayer — so can a woman. Indeed, halakhah rejects both of these rules. See generally *Encyclopedia Talmudit*, s.v. *Davar Shebikedushah* 6:714. Rama cites some authorities who might allow a minor male child to count in a *minyan*; the case of a minor differs from that of a woman because of the rabbinic commandment to teach minors to perform *mizvot* that they will later have to do as adults.

6. *Berakhot* 20b.

7. See Margalioi Hayam, *Sanhedrin* 74b (7)-(27), who explicitly adopts this formulation of the relationship between obligation and counting in a quorum, as does *Responsa Divrei Yissakhar* 2 and *Sdai Hemed*, *ma'arakhet gimel* #67. Indeed, were there to be a commandment in which a non-Jew was fully obligated, and which required a *minyan*/quorum to fulfill it,

the Gentile would count to the quorum; see *Sanhedrin* 74b and sources cited in *Margoliot Hayam, ad locum*, for one such example where some assert that the quorum required for sanctification of God's name may include even Gentiles who are not idol-worshippers.

8. One example is the person who has been excommunicated for public sinning; see *Shulhan Arukh* O.H. 55:12. This, too, is the issue in Grace After Meals. It is certainly true that, according to those authorities who rule that women are Biblically obligated in Grace After Meals, women can fulfill the obligation for men by reciting Grace out loud; that does not necessarily mean, however, that they count in the quorum needed for *zimmun*, communal Grace.

9. This discussion is, however, relevant to the issue of women receiving *aliyot* or women functioning as *ba'alei k'riah*. For a discussion of that issue, see O.H. 282:3 and particularly comments of Rabbis Gumbiner (*Magen Avraham*) and Kagan (*Mishnah Berurah*) on women's obligation to hear Torah reading and the concept of *kavod hazibbur*; see also the Mordecai, *Hulakhot Ketanot* 968-9 for a discussion of that concept in a different context. This issue is completely unrelated to women as cantors, because the nature of a woman's obligation concerning Torah reading and being called to the Torah is different from the issue of women's obligation in communal prayer and being a cantor (a point glossed over in the article); see *She'elat Yavez* 1:79.

10. See Rabbenu Nissim (RaN) *Megillah* 2b and 6b, and *Shulhan Arukh* O.H. 689:1. Indeed, no less an authority than Rabbi Ovadia Yosef rules that ten women reading *megillah* without any men present can recite the final blessing which can only be recited when a *minyan/quorum* is present; see *Yalkut Yosef* 5:286; *Yabi'a Omer* 1:44; *Yehave Da'at* 1:88.

11. *Gilyonai Hashas, Sanhedrin* 74b; but see *Minhat Hinukh* 296 who disagrees, and comments of Rabbi J.D. Bleich, *infra* note 14 at 82-83, who suggests an alternative rationale for who counts in a quorum and what is a quorum.

12. *Shulhan Arukh* O.H. 271:2. Rabbi Joseph B. Soloveitchik recounted, in a response to a *halakhah l'ma'aseh* question, in a public lecture at Yeshiva University on November 6, 1984, that a woman can — without any hesitation — recite *kiddush* even for a large group of people (men and women) in any circumstance, and that this was completely permissible, (*mutar le'hathila*) since no *minyan/quorum* is required for this act and therefore the group is not considered a *zibbur* that need be concerned with its honor. For a contrary opinion see *Mishnah Berurah* 271:4; however, the position of Rabbi Soloveitchik is implicitly endorsed by Rabbi Neuwirth writing in *Shemirat Shabbat Kehilkhata* 47:6, who does not quote the limitation of *Mishnah Berurah*. For a discussion of this issue, see Rabbi Howard Jachter, "The Difference Between the Category 'Tzibbur' and the Category 'Many,' *Beit Yitzhak* 22:301-304.

13. *Shulhan Arukh* O.H. 594. Even Rama, who argues with this rule, states that only a person who cannot pray (even in English) may fulfill the obligation by listening to another recite the prayer aloud when no *minyan* is present. Even this is limited to *she'at hadehak*, "a time of emergency."

14. *Jewish Women and Jewish Law* (Hoboken: KTAV, 1978), p. 136.

15. David Feldman, "Woman's Role and Jewish Law," *Conservative Judaism* 26:4, 29, 36 (1972).

16. J. David Bleich, *Contemporary Halakhic Problems* 1: 78, 81.

17. *Conservative Judaism and Jewish Law*, ed. Seymour Seigel, p. 287, published also as Philip Sigal, "Women in a Prayer Quorum," *Judaism*, 24:175 (1974).

18. See quotation from Rabbi Bleich, cited *supra*.

19. As a general matter, Sigal errs in two ways. He does not prove that women are obligated in public prayer, and he focuses on the opinion of Rabbenu Simcha discussed in section I to demonstrate that a minority opinion does exist which recognizes that women in fact do count in the quorum needed for public prayer and are in fact obligated in public prayer. However, Sigal's article relies on very weak interpretations of marginal authorities within Jewish law. For a detailed reply to Sigal's piece, see sources cited in notes 12, 13, and 14.

20. "Tradition, Modesty and America," *JUDAISM* 40:79-87 (1991). Hauptman cites

three examples of change in note 29 of her article (women studying Jewish law; women being a *sandek* and who is a *heresh* [deaf-mute]) which she indicates “demonstrate” change in legal practices analogous to the change required to allow women to be communal prayer leaders. In fact, none of the examples cited prove this point. In no classical works is it recorded that it is prohibited for a woman to study oral law (see Maimonides, *Laws of Torah Study* 1:13); however, the custom, sanctioned by the rabbis, developed for them not to. That was changed by *Mishnah Berurah* in his famous letter approving of the *Beis Ya'akov* movement. So too, the whole institution of *sandek* is merely a custom and can (and does) change in response to differing social circumstances. The analysis of change in status of the deaf-mute as a change in halakhah is completely incorrect. A careful reading of Rabbi Bleich's article (*Contemporary Halakhic Problems* 2:368, cited by Hauptman) reveals that those authorities who recognize that a deaf-mute who is educated and capable of communicating is not considered a *heresh* do so because they accept that the status of a *heresh* is related to educability or functionality. No change in legal principle is advanced. New applications based on new technology is not a new rule.

21. This does not mean that the substantive legal rules never change. While post-talmudic change of substantive rules is very rare, there clearly are examples; see, e.g., *Even Ha'ezer* 1:21 (comments of Rama). In addition, it is clear that even a completely halakhic society reserves the right to rely on minority opinions within Jewish law. For more on that topic, see “Tradition, Modesty and America,” *JUDAISM* 40:79-87 (1991).

JOEL B. WOLOWELSKY reacts to Judith Hauptman

Judith Hauptman's “Women and Prayer” (*JUDAISM*, 42:1, Winter 1993) is a welcome contribution to the contemporary discussion on women's increased involvement in traditional Jewish life. Rather than simply debate how the tradition should accommodate contemporary perspectives on Jewish women, she reexamines the tradition, finding heretofore unstressed emphases. More power to her.

Not everyone might accept Hauptman's interpretation of each and every source. But one need not challenge her conclusion that men and women share the same obligation in daily prayer to realize that, despite her implied argument to the contrary in her second section, she has not yet provided enough material to build a responsum allowing a woman to serve as a *sheliaḥ zibbur*. Hauptman's argument might justify a group of men or women who cannot themselves say the *Amidah* to appoint a woman to say the *tefilah* and fulfill their own obligation to pray through her action. But that is a far cry from justifying her serving as a *sheliaḥ zibbur*.

To complete her argument, she would have to also discuss the *sheliaḥ zibbur*'s role in relation to the *Shema*. She concedes that men and women have unequal obligations in *Shema*. But, for example, Rav Henkin points out that the *sheliaḥ zibbur* must say the *berakhah* “*ga-al Yisrael*” aloud “because the Sages established that the *sheliaḥ zibbur* must pray aloud from [the *berakhah*] “*Yozer*” until the end of the *Shemoneh Esrei* “in order to fulfill the obligation of those who cannot [do so themselves].” (As a practical

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matter, he continues, he may say only the beginning and end of the *berakhot* aloud.) (*Kitvei haGaon Rabbi Yosef Elihu Henkin: Eidut leYisrael*, vol. 1, p. 161.) This certainly complicates her case.

Moreover, a *sheliaḥ zibbur* does more than recite the prayers for those who cannot. One need not look past a daily occurrence to see that this is the case. Even when all present have fulfilled their personal obligation to say the *tefilah*, the *sheliaḥ zibbur* repeats the *Amidah*. Clearly something additional that relates to the *zibbur* is at hand.

Hauptman would have to examine this phenomenon and explain it. She would have to discuss whether men and women have the same obligation in *tefilah bezibbur* (not just in *tefilah*), and investigate whether they have the same ability to form a *zibbur*. If their respective abilities to form a *zibbur* differ — and that seems to be the case — she would have to examine if men and women have the same responsibilities once the *zibbur* is formed.

These lacunae in her presentation make the interesting observations in her second section intriguing but as yet not particularly relevant. It may be true that a man without a beard now meets the requirements of *kavod hazibbur* even though that was not the case years ago. But even if we were willing to concede her argument that a parallel analysis exists for women — that they now meet the requirements of *kavod hazibbur* even though they once did not — we could not reach her suggested conclusion that a woman might now qualify as *sheliaḥ zibbur*. The beardless adult male apparently has, in her view, only one impediment to his acting as *sheliaḥ zibbur*: the standards of *kavod hazibbur*. The adult woman, as we noted, might have other disqualifications besides *kavod hazibbur*. Addressing the latter impediment without first ruling out the other possibilities leaves the woman still disqualified to act as *sheliaḥ zibbur*.

This is not to suggest that Hauptman cannot address these and other related issues. Indeed, I for one look forward to her analyses. But until she does, we are left only with a welcome reminder that women, too, have a serious obligation in daily prayer. And that, in and of itself, is a valuable contribution.

We deeply mourn the passing of

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יהי זכרו ברוך

Some Thoughts on The Nature Of Halakhic Adjudication: Women And Minyan

JUDITH HAUPTMAN

PROFESSOR MICHAEL BROYDE IS RIGHT.

Jewish law is and was sexist: it does not extend to women the same opportunities for spiritual expression and public leadership as it does to men. For the last five centuries, at least, key Jewish codes have excluded women from joining in the prayer quorum and serving as its leader. For Broyde, making this valid observation is sufficient. For me, the fact of women's ritual restrictions is only a starting point. My aim in this article is to extend an invitation to the halakhic and scholarly community to re-examine contemporary synagogue practices in the light of classical Jewish texts.

As far as I can determine, most of the recently published articles and books on the topic of women and prayer reach (or assume) the same conclusion: not only may women not join a men's *minyan* (quorum) or serve as *sheliah zibbur* (prayer leader), they may not even form a *minyan* of their own.¹ The authors of this literature generally adopt a similar strategy: they marshal an extensive array of sources to show that Jewish law today places significant restrictions on women, and then suggest, either implicitly or explicitly, that this is how it must continue to be in the future, with, perhaps, minor modifications.²

I propose to do something entirely different. In response to the reasonable request of many observant women today to find a text-based, halakhic way to increase their opportunities for participation in public worship, I plan not to re-affirm the *status quo* but to investigate its textual underpinnings. I want to find out if the classical texts necessarily prescribe significant limitations on women's public participation in ritual, or if they may provide the basis to arrive at a different conclusion altogether, that women's participation today is permissible and possibly encouraged. Since most halakhic decision-making is based on a proposed, reasonable, particular interpretation of Talmudic sources, I will examine the texts in question from fresh perspectives, with the hope of finding alternate, yet valid ways of interpreting them. If studies of this sort proliferate, they may someday serve as the basis for a respon-

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sum supporting increased options for women to participate in, and also lead, synagogue ritual.

A. Women and Public Prayer

Broyde's essential point is that women are not obligated to public prayer and hence cannot serve as prayer leader. That is, he accepts my contention that, according to the codes, women are obligated to pray,³ and that the obligation to pray is a necessary but not a sufficient condition for serving as *sheliaḥ zibbur*, but asserts that there is yet another necessary but not sufficient condition: the obligation to pray in a *minyan*. Men are so obligated; women are not.

This is not a correct reading of the sources. If we consult the Talmud, the first work to speak of prayer as a regular ritual, we find numerous statements about the frequency of prayer, its time parameters and its contents. We also find a vision of ideal prayer as taking place in a group setting, with one person reciting the blessings for others who neither know the words nor have a text. Several pages in tractate *Berakhot* (6a-8b) speak of the benefits of praying together with others in a synagogue, suggesting, among other things, that communal petitions cannot be ignored by God. But nowhere does the Talmud state that a Jew has to pray with others; all that is required is to pray several times daily.

Furthermore, upon opening the *Shulḥan Arukh* to OH 55, as recommended by Broyde, I find no statement about the obligation to public prayer, only that a *minyan* is composed of ten adult, free, males.⁴ To this statement I will return shortly. But, when I turn to OH 90, also referred to by Broyde, I find the following rule: "A person should make every effort (*yishtadel*) to attend services in a synagogue with a quorum; if circumstances prevent him from doing so, he should pray, wherever he is, at the same time that the synagogue service takes place" (90:9). "Every effort" is not synonymous with absolute obligation. Communal prayer is a preferred option, for reasons already made clear in the Talmud, but it is not a requirement.⁵

It is therefore incorrect to conclude that to serve as a prayer leader it is necessary to have an obligation to pray in a *minyan*, and since women do not have such an obligation, they cannot serve as prayer leader. No Jew, according to Karo, has an obligation to public prayer.⁶

B. Women and Minyan

A different challenge to my article, raised, in particular, by Dr. Joel B. Wolowelsky, is: if a woman does not count in a *minyan*, how can she be deputized to lead the *minyan* in prayer? If we assume that the only ones who may lead the *minyan* are those who count in it (an assumption that requires proof and further study), then, even if we

were to set aside other issues, like *k'vod hazibbur* (dignity of the congregation), unless women count in a *minyan* they cannot lead it in prayer. As noted above, Karo's *Shulhan Arukh* (OH 55:1), apparently for the first time in halakhic history, limits the prayer *minyan* to men only.⁷

In response, I note at the outset, that in all four cases where the Talmud or its commentators allude to gender and *minyan*, opportunities for *minyan* participation are extended to women. The only possible exception, on which authorities differ, is the *minyan* of three (or ten) required for *zimmun* (call to Grace). But all the reasons given for this exception apply only to this ritual.⁸ Analysis of these rulings will enable me to formulate a general statement about women and *minyan*.⁹

1) *Reading the Megillah (Scroll of Esther)*

Since R. Joshua b. Levi (BT *Megillah* 4a) obligates women to read or hear a reading of the *megillah*, just like men, it follows, according to some authorities, that women may count in the *minyan* for reading the *megillah*, and even read it for men,¹⁰ The critical issue is obligation: if women are obligated in the same way that men are, they may count in a *minyan* just as men do. This principle is stated most clearly by the thirteenth century Provencale commentator, R. Menahem b'R. Shlomo Hameiri (*Meiri*): "Some say that for all cases in which a *minyan* of ten is necessary (*kol shehi zerikhah la'asarah*), if women's obligation is equivalent to that of men, they may join the *minyan*."¹¹

2) *Public Reading of the Torah*

The Mishnah (*Megillah* 4:3, *Megillah* 23b) states that no fewer than ten must gather to read the Torah in public. A tannaitic source (*baraita*), cited on the immediately preceding page, says that women may be called to read from the Torah in public, and that, in fact, *everyone*, even a child, is qualified to read. Can there be any doubt, in these circumstances, that women count in the required *minyan*?¹² The source does go on to say that the rabbis ruled that women, nevertheless, should not read because of the honor of the congregation, a concept which I discussed in my prior article. It seems clear to me, and certainly reasonable, that their special concern and ruling about women reading in public had no effect on women being part of the *minyan* for this reading, or on their obligation, along with men,¹³ to hear a reading of the Torah, neither of which involve the honor of the congregation.¹⁴

3) *Grace*

According to some authorities, women's obligation to recite Grace is Biblical, and a woman can therefore recite Grace for a man.¹⁵ It would also seem to follow that she could then count in the quorum

of three for *zimmun* and the quorum of ten for *zimmun* in God's name. In fact, R. Judah Hachohen (Mainz, c. 1050) and other authorities rule that a woman may count in a men's *zimmun*.¹⁶ As for M. *Berakhot* 7:2, which seems to exclude her, as well as slaves and minors, from joining a quorum of three for *zimmun*, it is interpreted by major Talmudic commentators as referring only to women joining with male *slaves* and, as a result, behaving in a promiscuous manner.¹⁷ Women joining with free men would not do so and are not subject to this conclusion. Moreover, if women *never* count in a *minyan*, why single out *zimmun* to say so? *Zimmun* would be better interpreted in such a case as an exception to the rule, rather than (illogically) as the case that proves a general rule. I will return to this point shortly.

4) Sanctification of God's Name (Kiddush haShem)

If a Jew is asked to violate a commandment of Torah in a public setting, or else die, he must choose death.¹⁸ A public setting is defined as the presence of a *minyan* of ten Jews (*asarah b'nei adam*). According to some recent authorities, women are counted in the *minyan* for *kiddush hashem* because they, like men, are obligated by this *mizvah*.¹⁹ Again, the principle at work here is that people who are similarly obligated join together to form a *minyan*.²⁰

Basing myself on these four examples, I would now make the following claim: the general defining quality of those who count in a *minyan* is obligation, unless explicitly stated to the contrary. Since women are obligated to read the *megillah*, die for *kiddush hashem*, recite Grace, and theoretically are qualified to read the Torah in public, just like men, and may therefore count in the *minyan* for these *mizvot*, and since, as I demonstrated in my previous article, women are obligated to pray at least twice daily, just like men,²¹ it follows that they may count in the *minyan* for prayer. Please note that this conclusion was arrived at solely by analyzing the relevant Talmudic material and associated commentaries, not by engaging in speculation about women's nature or role.²²

An altogether different approach for counting women in a *minyan* can be made by conducting a holistic reading of M. *Megillah* 4:3, the core text on the subject of *minyan*. This passage lists ten rituals for which a quorum of ten is necessary: "One may not engage in a responsive reading of *Shema*,²³ pass before the ark (i.e., serve as prayer leader), recite the priestly blessing, read from the Torah, read from the Prophets, . . . recite the funeral or wedding blessings, or include God's name in the call to Grace, with fewer than ten present."

It is striking that the mishnah does not modify the word "ten:" it does not specify men, women, or a combination of both who must be present.²⁴ Regarding only one of these ten cases, that of reciting

Grace jointly, does the Misnah, elsewhere (M. *Berakhot* 7:2), according to some interpretations of the text, explicitly exclude women from forming the requisite quorum.²⁵ Even if those interpretations are accepted, it is still reasonable to assume, applying the Talmudic reasoning of *hu d'lo*, that for the other nine cases, the group of people that needs to be present for the ritual to be performed may be composed of both men and women. In other words, if we know that women never count in a *minyan*, why single out *zimmun* as the only case where this is expressly stated? Or, if *zimmun* is the source of the assumed general rule, by what logic do we deduce a general statement from a single case, if the Talmud does not do so? Indeed, one can see a reason why the Talmud would single out *zimmun* as a case where, even though women would normally be included, here they should be excluded: to assure that the levity of a group meal not be carried over to the serious, Biblical *mizvah* of Grace after meals.²⁶ Furthermore, the *gemara*, in expatiating on M. *Megillah* 4:3, even when deriving from Scriptural texts (one of which, Numbers 14:27, refers to a group of ten *men*) that a quorum is composed of ten, does not say that the ten have to be men, though surely this was the place to derive the male requirement.²⁷ But the Talmud does not do so here or anywhere else.

What these ten cases requiring a *minyan* have in common is that the rituals they refer to — a prayer service, a funeral, a wedding, and a call to Grace in God's name — are all public. If we were to ask ourselves the fundamental question of why they should not be performed with fewer than ten people present, the obvious answer that addresses all ten cases is: it would compromise either the dignity of God, to whom one prays, or of the deceased, the mourners, or the wedding celebrants, the very people for whom these rituals are being performed, if fewer than ten people made the effort to attend these important events. Note that this mishnah does not say that obligation is a *sine qua non* for inclusion in the *minyan*. Rather, it comes to teach one point, and one point only, that these rites cannot properly be performed in private, in the presence of fewer than ten individuals.

Thus, although not usually interpreted in this way in the past, it is entirely possible that this mishnah is saying that counting in a *minyan* of ten for prayer, or for any other purpose, is not a function of one's obligation to perform that *mizvah* but of one's personhood or standing: any Jew whose presence at a particular rite would confer dignity on the occasion may be counted in the *minyan* for that occasion. This might explain why the Talmud never says that *asarah* (ten) always refers to males. Not only men but also women who come to a funeral honor the dead. Not only men but also women who come to a wedding honor the bride and groom. And, therefore, not only men but also women who come to a prayer service (to discharge their respective, identical obligations to pray) honor God, whose glory is greater if worshipped

by greater numbers (*b'rov am hadrat melekh*).²⁸ Probably, for this reason, the Talmud also says that one's prayers find greater receptivity by God if offered in a *minyan*. Shall we say that women are equally obligated in prayer but men should have a better chance of having their prayers accepted because only they can form a *minyan*?²⁹ Is this the way our Sages want to be understood?³⁰

It follows that, according to the mishnah we have been discussing about the rituals that require a quorum of ten (*Megillah* 4:3), women, too, count in the quorum for prayer. Should one suggest that in the past women were not viewed as equal to men in social status and for that reason were not considered able to confer dignity on the occasion and could not, therefore, count in the *minyan*, I would respond, first, that the *gemara* chose to be silent and rely on social mores and not law to determine women's role. Second, since these mores have changed, there is no reason that women should not be counted in all *minyanim*.³¹ Karo's sixteenth century ruling on a *minyan* of ten males reflects the prevailing social mores of his day; but his ruling relies only on Talmudic texts requiring ten persons and, I believe, I have convincingly demonstrated that the Talmud did not specify gender anywhere (with respect to a prayer quorum).³² Its evident intent was to avoid stigmatizing women with such a halakhic disqualification and rely instead on social attitudes to dictate the extent of women's participation in public prayer.³³ Today, of course, those attitudes have changed, and women's right to participate should change accordingly.³⁴

A source that has more to say on the subject of women and *minyan* is *Berakhot* 45a,b. The mishnah there states that three or more men who dined together are required to say Grace together, with an opening call. The *gemara*, in an attempt to explore the boundaries of the mishnah's rule, asks: If two men dined together, may they choose to issue a call to Grace even though they are not obligated to do so?

After analyzing and rejecting several tannaitic sources that might have provided an answer to this question, the *gemara* brings the following text: "A group of women (presumably three or more) may recite the opening call to Grace; a group of (non-Jewish) slaves may recite the opening call to Grace; but a mixed group of women, slaves, and minors may not recite the opening call to Grace." The *gemara* then continues: "Behold, since [even] one hundred women are equivalent to no more than two men and yet they, the women, may join for Grace," [this suggests that two men may do the same]! But the *gemara* rejects this conclusion by saying that this case — three or more women gathering to say Grace — is different from that of two men because, for the purpose of praising God, three or more women constitute more than two minds (*ikha dei'ot*). If so, the *gemara* wants us to conclude, one cannot learn from the case of three or more women about the case of two men.³⁵

The first thing that needs to be done is to analyze the force of the *gemara's* statement of the equivalence of even one hundred women and two men. While the statement appears, in form, to assert a standard and well-known principle, this is not so. It appears here, cited by the anonymous Talmudic voice (*stama d'gemara*), and nowhere else. This weakens its force.³⁶ Second, even granted that it has value, it would seem to follow from here that women may at least complete a men's *minyan*, viz., if eight men gather for prayer, one can certainly argue that a group of three or more women could complete the *minyan*, because three or more women are equivalent to two men.³⁷ If that is true, there is no reason why — from a *minyan* standpoint — one of the women could not be the *sheliaḥ zibbur*.

Finally, an excellent argument for counting women in the *minyan* is provided by none other than Karo himself. After stating in the *Shulḥan Arukh* (*OH* 55:1) that a *minyan* is composed of men only, he adds, in 55:4, that one may not complete a *minyan* with a minor, a slave, or a woman. It is clear why Karo found it necessary to mention the ineligibility of a slave and a minor — the *gemara* (*Berakhot* 47b-48a) deals extensively with these matters. But, since neither the Babylonian nor the Jerusalem Talmud considers the possibility of having a woman complete a *minyan*, why did Karo find it necessary also to mention the ineligibility of women? The answer is to be found in his own writings, in his commentary on R. Jacob ben Asher's *Tur*, called *Bet Yossef*, the forerunner of the *Shulḥan Arukh*.

After a lengthy statement on minors and *minyan* completion (*OH* 55), Karo raises the completion issue with regard to women. He cites the *Mordecai* (Germany, 1240-1298), who writes, in the name of Rabbenu Simḥah (apparently of Speyer, c. 1200), that a slave or a woman may complete a *minyan* for prayer or Grace. In explaining this remarkable statement, Karo says that Rabbenu Simḥah fixed the halakhah like Rabbenu Tam, a prominent French *Tosafist* (1100-1171), who decided, like R. Joshua b. Levi (*Berakhot* 47b), that a slave may complete a *minyan*. And, since it is a well-established Talmudic principle that slaves and women, generally, have the same standing with regard to *mizvot*,³⁸ it follows that a woman, too, may complete a *minyan*.

Were Karo to end his comments here, even if he were to add that he rejects the view of Rabbenu Simḥah, it would have served our purposes well: not only does he choose to cite Rabbenu Simḥah's liberal position on women and *minyan* completion, he even supplies him with a text-based rationale.³⁹ But Karo goes further. He goes on to say, apparently relying on a *Tosafot* (*Berakhot* 48a) that only deals with minors, that since Rabbenu Tam did not wish to count women in a *minyan* (*lo razah la'asot ma'aseh*), no one could, from that time on, treat this matter lightly; as a result, it became standard practice not to include women in a *minyan* at all (*v'khen nahagu ha'olam shelo lezaref islah k'lal*). With

these words, Karo indicates that he does not reject Rabbenu Simḥah's position because of halakhic insufficiency,⁴⁰ but for a different reason altogether: that he does not wish to tamper with established practice, a topic I will address shortly. It therefore appears that Karo, although he rules otherwise, provides a textual basis for permitting a woman to complete a *minyan* and thereby serve as *sheliaḥ zibbur*.

C. A Woman as Sheliaḥ Zibbur: Shema

Another related challenge to women serving as *sheliaḥ zibbur*, also raised by Wolowelsky, is: if women are exempt from reciting *Shema* (M. *Berakhot* 3:3), how can they discharge the obligations of men who are required to recite *Shema* in the morning and evening service? The answer is that for *Shema*, unlike *tefillah* (petitionary blessings), each person is required to recite its three Biblical passages⁴¹ for himself.⁴² Note that there is no “amen” response at the end of each paragraph. It therefore follows that if a female *sheliaḥ zibbur* leads the congregation in the recitation of these fundamentally important passages, e.g., by reciting the concluding words out loud, she is not discharging the individual obligations of any man in the group, but simply maintaining prayer decorum by having people start and finish at approximately the same time. This recital of *Shema* is not to be confused with the Mishnah's statement that to read *Shema* responsively (*lifros al Shema*)⁴³ a *minyan* of ten is required. Unlike *barkhu*, which is skipped if there is no *minyan*, *Shema* is recited in all circumstances, privately if necessary.⁴⁴

D. A Woman as Sheliaḥ Zibbur: Musaf and Festival Prayers

Some may say that since the Talmud's rationale for women being obligated in *tefillah* is that they, too, have petitionary needs, it follows that they are only obligated in weekday *tefillah*, which is petitionary, and not the *musaf* and festival *tefillot*, which are not. The short answer to this is that no prayer is entirely petitionary or not petitionary. There are petitionary elements in the *tefillot* of *musaf* and of the festivals, along with the praise and sanctification of the day that is also included. Moreover, the Talmud does not say that women are obligated only if, and to the extent that, a prayer is petitionary. The Sages would hardly divide up women's obligation in such a way. They simply provide a reason that is generally applicable (most *tefillot* are petitionary because the largely petitionary weekday *tefillot* dominate the liturgical schedule) as the basis for saying, without limitation, that women are “obligated in *tefillah*.”⁴⁵

E. A Woman as Sheliah Zibbur: kol b'ishah ervah

Another argument that one could raise against having a woman serve as prayer leader is that her voice would distract men from prayer rather than help them focus on it. The prohibition referred to is the Talmudic phrase, “*kol b'ishah ervah*,” which means that a woman's (singing) voice is sexually arousing. However, this phrase, as used in *Berakhot* 24a, the only time that it appears in the Talmud in a halakhic context,⁴⁶ is invoked to stop a man from reciting the nighttime *Shema* while hearing his wife's voice as they are preparing for bed.⁴⁷ I think it is clear that the principal occasion that the Talmud had in mind for banning a man from hearing a woman's voice was an intimate one, a time when hearing her voice, like seeing an exposed part of her body, was likely to distract him from pondering the meaning of *Shema*.

The strongest proof of the limited Talmudic application of “*kol b'ishah*” is the Talmud's own statement that women are halakhically qualified and would be permitted to read from the Torah in public, were it not for the dignity of the congregation.⁴⁸ Were hearing a woman's voice reading sacred Scripture in a public, liturgical setting a problem of *kol b'ishah*, the *gemara* certainly would have said so. Similarly, as noted above, there are a number of authorities who hold that a woman is obligated to hear the *megillah* read, just like men, and can therefore count in the *minyan* and read for the entire *minyan*, men and women alike. Again, were *kol b'ishah* relevant, permission of this sort would not have been extended to women. And finally, when asking if a woman can recite Grace for a man (*Berakhot* 20b), the only issue raised by the *gemara* concerns the relative levels of obligation of women and men. That would be moot were *kol b'ishah* relevant.

F. A Woman as Sheliah Zibbur: mehizah

As for synagogues in which men and women sit separately and a partition (*mehizah*) is erected between them, a woman could still serve as *sheliah zibbur* if she stood before a podium placed on her side of the partition. There is no rule that the prayer leader must lead from in front of or in the middle of the men's section. Furthermore, if a woman can read from the Torah at the reading desk with men, without *mehizah* posing a problem, surely she can serve as *sheliah zibbur* without *mehizah* posing a problem!⁴⁹

G. Established Practice (minhag) and the Views of Aharonim
(recent commentators)

Some may assert that the exclusion of women from *minyan* is halakhically validated, despite the absence of Talmudic authority, because it has been prevailing practice — *minhag* — for centuries. However,

even though I recognize the binding force of *minhag* and the important role it plays in the development of normative Jewish practice, I think one can find instances in which custom does not determine Jewish practice for the future. It seems to me that it is very hard to formulate halakhic rules that define the boundaries and give predictable criteria for which *minhagim* will be upheld and which will not.

A preliminary, but important observation by way of responding to the charge that even cogent halakhic reasoning cannot disturb *minhag*, is to note that prevailing practice is not always synonymous with *minhag*. A practice qualifies as *minhag*, I believe, only if it was consciously adopted as a religious practice. If a practice receives its fundamental sanction only from the normal, social habits of Jews and Gentiles, it does not become a religious practice, that, with the passage of time, would take on the aura of law.⁵⁰ It can hardly be disputed that women's domestic role was a given, throughout the world, from the end of the pagan period until relatively recently.

On the other hand, if a practice arises because it is thought to be religiously required and then turns out not to be so, the custom is not binding.⁵¹ Thus, if the exclusion of women from public ritual arose because it was thought to be religiously required, when in fact it was not so required, it is not necessarily binding. I believe that further research will confirm that Karo's decision excluding women from *minyan* eligibility for prayer — apparently introduced into halakhah by him in the sixteenth century — rests on a socially conditioned view of Talmudic sources, and certainly goes beyond Talmudic requirements or any consensus of *Rishonim*.⁵²

There are also other grounds for rejecting the contemporary practice of excluding women from full participation in synagogue ritual. One is the ban on adopting Gentile practice, *hukot hagoyim*.⁵³ Given the Talmud's silence on women and *minyan*, one may ask whether the practice of excluding women from the *minyan* developed and was maintained as an imitation of Gentile religious practice, specifically the original Christian, i.e., Catholic practice, that insists on a male priesthood with its special liturgical function.⁵⁴ If so, it may be rejected as Jewishly unacceptable.

Another is the fact that rabbinic authorities have the right to alter entrenched custom for reasons that they deem compelling, such as answering the educational or spiritual needs of the community. Probably the best known instance of such a change regarding women is *Hafez Hayyim's* decision to permit teaching them classical Jewish texts — despite the fact that for centuries women had not been given this kind of education and there is even Talmudic basis for not doing so.⁵⁵

Finally, there is the possibility of rejecting customs that the rabbis consider inequitable and unjust.⁵⁶ According to Rabbi Jonathan Sacks, "to the extent that precedent and consensus allow," the law should be

“sensitive to the needs and rights of women.”⁵⁷ I have no doubt that Rabbi Sacks would strongly argue that precedent and consensus — particularly since the advent of the *Aḥaronim* — do not allow a change now in the matter of women and *minyan* participation or leadership. But the view that we must be indefinitely locked into an unjust and inequitable practice is one that I cannot share, given the analysis of this paper.

Moreover, the views of *Aḥaronim*, even Karo, though deserving of great respect, have not generally been considered immune from question, especially where — as here — they are not explicitly supported by the Talmud or a consensus of *Rishonim* (rabbinic scholars prior to Karo), and alternative, equally reasonable readings of those sources exist. It should be noted that the views of the *Aḥaronim* have prevailed during a period — a long period to be sure — when, because of accepted, deeply ingrained social attitudes, no questions were raised challenging their views, at least not until very recently. In this regard, to the extent that the longstanding view of excluding women from the quorum for communal prayer is based on women’s exclusion from the quorum for *zimmun*,⁵⁸ assuming the latter exclusion is the majority view of *Rishonim*, the halakhic process permits the reviving of the minority opinion of *Rishonim*⁵⁹ on that issue as legitimate for our times; this would provide the basis for allowing women to be included in the *minyan* for prayer as well.⁶⁰

Finally, an area for further inquiry is the radically formulated historical insight of R. Abraham Isaac Kook, who writes that necessary halakhic change may sometimes be brought about by the gradual adoption of practices that temporarily violate existing halakhah. Although such a break would first be introduced by only a few individuals, it could later be accepted by the observant community at large.⁶¹

H. Conclusions

I address, in this paper, all Jews who are willing to examine with an open mind the halakhic issues of women’s role in public prayer. I write as one who believes in halakhah, but also as one who believes that research, including a fresh look at long held views and practices based on a careful examination of the classical texts that underlie those views and practices, is a worthwhile endeavor for the ongoing halakhic process.

When people debate for the sake of Heaven, as in this case they surely do, the final arbiter is the observant community. That populace, after educating itself in all the fine points of the many issues, will choose which reading of the texts and which halakhic opinions to accept. For the sake of Jewish women and their need for spiritual self-expression, I hope it will be mine.

NOTES

1. Some examples of this literature are: Avraham Weiss, *Women at Prayer* (NY: Ktav, 1990); Eliezer Berkovits, *Jewish Women in Time and Torah* (NY: Ktav, 1990); David Feldman, "Women's Role and Jewish Law," *Conservative Judaism* (Summer 1972):29-35; Herschel Schachter, "Ze'i Lakh B'ikvei Hazon," *Bet Yizhak* 17, 5745 (1984-85):118-134; Aryeh A. Frimer, "Women and Minyan," *Tradition* 23(4) (Summer 1988):54-77.

2. For example, Weiss suggests that women be permitted to pray together, not as a quorum but as private individuals, and Frimer and Feldman suggest considering ten women to be a *minyan* for purposes other than daily prayer.

3. One point I made in my previous article on this topic needs modification: rather than say that the segment of *gemara* on *Berakhot* 20b is ambiguous about the nature of prayer, I would say that it clearly decides that prayer is a time-bound positive *mizvah* and women are obligated for a special reason — because prayer is petitionary. A better translation of the text is as follows: one might think that daily time-bound rabbinic prayer is like a *positive time-bound mizvah*, because of the verse, "evening, morning, and afternoon" [and that women are therefore exempt, as they generally are from such *mizvot*]; the [tanna therefore] comes to teach us [that such prayer is a positive time-bound *mizvah* but women are, nevertheless, obligated for the special reason mentioned above]. As to whether women's obligation extends beyond the *amidah*, see discussion of *Shema*, below.

4. Beyond adult, free, and male, there is a long list of desirable, but not necessary, characteristics for a regular *sheliah zibbur*: honest, pious, of good repute, modest, personable, possessing a good voice, fluent in Bible (53:4). The *Shulhan Arukh* goes on to say that if no such person is available, the *minyan* is to select someone who is wise and pious. It then talks about appearance and the preference for a beard (possibly to be understood as a requirement to appoint someone older than thirteen) and draws a picture of a *sheliah zibbur* who reflects well on the congregation, whose prayer will be listened to because of his own fine personal qualities. There are, thus, two issues: the dignity of the congregation, as expressed by the desire for a good voice, appealing manner, and dignified appearance, and the efficacy of the *sheliah zibbur* in bringing the prayer before God, as expressed by the requirement of piety.

5. Maimonides, whose opinions are often incorporated by Karo into the *Shulhan Arukh*, similarly says: "Communal prayer is always heard . . . therefore, a person should join the group [for prayer]; he should not pray by himself if it is possible for him to join the group" (*Hilkhot Tefillah* 8:1). This statement, too, falls short of absolute obligation. See also, for example, *Berakhot* 7b and n. 6.

6. Weiss, *Op. cit.* (pp. 40-41), cites R. Yitzhak Ya'akov Fuchs, *Hatefillah Bezibbur*, who states that there is an ongoing controversy on this topic. This hardly justifies Broyde's view that the issue is a settled one. Alternatively, it may be that in early Sephardi communities both men and women were obligated to attend services (see n. 52).

I would like to respond to one further objection by Broyde, namely, that I am wrong in asserting that the Talmud links gender and social status. It seems to me that Broyde overlooks the fact that the son or child mentioned in the *baraita* is a minor. If so, it is the very inclusion of children in this passage that proves my point about lesser social status. If one reads the passage in context, it makes the following point: despite the obligation of women and children to recite Grace, assumed by Rava — who introduces this *baraita* — to be Biblical and therefore identical to that of men, the head of household should be "cursed" if these individuals recite Grace for him. The only reason that comes to my mind for this strong statement, since obligation is not an issue, is that both women and children are of lower social status.

Further support for my assertion that the Talmud, *even according to its traditional interpretation*, links gender and status, as well as age and status, can be found in the following passages:

1) According to Rashi (*Succah* 38a, s.v. *v'tavo lo me'eyrah*), the reason that the mishnah

(*Succah* 3:10) says that a man is “cursed” if he depends on a woman to recite *Hallel* for him, but is *not* cursed if he relies on a man, is that “. . . if he knows how to recite *Hallel* for himself, he *shames* his Creator (*mevazeh et Kono*) by appointing prayer leaders (*sheluhim*) like these (his wife, child, or slave).” But why, one may ask, would God be shamed if a knowledgeable woman leads a knowledgeable man in the recitation of *Hallel*? Rashi is, therefore, saying, in words that are simple to understand, that even in a case in which the head of household is *not* ignorant, it is shameful for him, according to the mishnah, to be prompted by people of lesser social status. Cf. *Tosafot*, s.v. *utehi lo me'eyrah*.

2) According to Rashi (*Megillah* 24a, s.v. *v'eyno nose' et khapav*), the reason that a minor *kohen* may not bless the congregation (*M. Megillah* 4:6) is that it is not dignified for a group [of adults] (*she'eyn kavod lazibbur*) to be subject to a child's blessing (*sheyehu khfefufin levirkhato*). Rashi uses the term “*kavod lazibbur*” in a very clear way: for adults to be blessed by a minor compromises their dignity. This is a social rather than a religious rationale.

7. See also, n. 52. The apparent lack of a Talmudic basis for the requirement of males for a prayer quorum is highlighted by the Vilna Gaon's deriving this requirement, two centuries after Karo, from women's exclusion from the quorum for Grace After Meals; see n. 58. Karo, as we shall soon see, provides a strong theoretical basis for a woman to complete the *minyan* and, hence, in my view, to lead it. The *Rosh* (*Berakhot* 47b) states that, according to some, children and slaves, *provided they are circumcised*, may complete a *minyan*. Given the context of his decision, his intention, evidently, is not to exclude women (by that proviso) but to add a circumcision requirement in the case of slaves and children.

8. See discussion of *zimmun* later in this section. See also, Frimer, *Op. cit.*, p. 65.

9. The fact that Talmudic sages chose to rely on the social norms of their day, rather than to state expressly that *minyan* requires ten *males*, is a choice that has halakhic consequences that cannot, and should not, be ignored.

10. *RaN*, end of *Megillah*, Chapter 2, s.v. *hakhol khesherin*. See Feldman, *Op. cit.*, pp. 36–37. See also Weiss, *Op. cit.*, pp. 48–49 and notes. Rashi (*Arakhin* 3a, s.v. *la'atuyei nashim*) explicitly states that women are fit to read the *megillah* for men and thereby discharge their obligations. This may be deduced from *M. Megillah* (2:4) which states that “*all* are fit to read the *megillah*, except for deaf-mutes, imbeciles, and minors.”

11. *Meiri*, *Megillah*, p. 24, ed., Moshe Hershler (Jerusalem: *Makhon Hatalmud Hayisraeli Hashalem*, 1968). See also notes 187, 189. *Meiri* himself rules otherwise.

12. A remarkably similar line of reasoning is proposed by R. Judah Hachohen in reference to women counting, along with men, in a quorum of three for Grace (*Tur OH* 199). Since the only question that the *gemara* asks is, “may a woman lead Grace for men and thereby discharge their obligations” (*Berakhot* 20b), it follows, he says, that the *gemara* has already concluded that women count in the *zimmun* together with men.

More research needs to be done on the status of minors who have reached a level of intellectual maturity and are able and permitted to read from the Torah in public (*M. Megillah* 4:4). Would such a minor count in the *minyan*?

13. *Massekhet Soferim* 18:4. See also *Magen Avraham OH* 282:6 and *Arukh Hashulhan OH* 282:11 who qualify this obligation. For a full discussion of this issue, see Elyakim G. Ellenson, *Ha'ishah V'hamizvot*, Vol. 1 (Israel: World Zionist Organization, 1977), pp. 118–121.

14. Is there any argument that can be made that women are expressly qualified to be called to read from the Torah and obligated to hear the reading but are excluded from the *minyan* required to hear it? I can think of none, other than the possibility that one can lead the *minyan* and be obligated without being a part of it. But if that is so, what happens to Broyde's and Wolowelsky's assertion, or assumption, that one cannot lead a *minyan* without being part of it? Cf. *Sefer Hamikhtam*, p. 82, in *Ginzei Rishonim*, *Berakhot* (Jerusalem: *Makhon Hatalmud Hayisraeli Hashalem*, 1967).

15. See my article in JUDAISM (Winter 1993):102, n. 19. See also Berkovits, *Op. cit.*, pp. 83–92.

16. *Tur OH* 199; for other authorities permitting joint *zimmun* of men and women, of three and also ten, see the discussion of joint *zimmun* (n. 16), in the article on women and *zimmun*, in this issue of JUDAISM, by Ari and Naomi Zivotofsky.

17. See, for example, *Bartenura* and *Tosafot Yomtov* who interpret this mishnah in this way, reading it together with a *baraita* introduced as *Ta Shma* on 45b. This is probably not, in my opinion, the simple meaning of the mishnah, but clearly the mishnah is at least ambiguous, given the authorities I have cited (who, thus, support my overall view that women may be included in a *minyan*). See Berkovits, *Op. cit.*, pp. 89–90, for a survey of opinions on this matter. Regarding the view of R. Judah Hachohen see the article, cited in the previous note, by A. and N. Zivotofsky, n. 22.

18. *Sanhedrin* 74b.

19. R. Joseph Engel (d. 1920) as cited by Feldman, *Op. cit.*, p. 37. See also Frimer, *Op. cit.*, p. 60.

20. Feldman, *Op. cit.* (p. 36) and Weiss, *Op. cit.* (p. 47) define *minyan* in exactly that way. See also Frimer, *Op. cit.*, p. 56.

21. The evening service was originally optional even for men.

22. The issue of women's exemption from *Shema* will be discussed in the next section. For a survey of the different views on women's nature and role, see Blu Greenberg, *On Women and Judaism* (Philadelphia: JPS, 1981), pp. 83–85. See Frimer, *Op. cit.*, pp. 61, 64–66.

23. This is one of many possible readings of an ambiguous and controversial text. See notes 42 and 43.

24. Seymour Siegel, *NY Times*, September 1, 1973; Berkovits, *Op. cit.*, p. 82; Greenberg, *Op. cit.*, p. 103, n. 13.

25. M. *Berakhot* 7:2 only excludes women from a quorum of three, but the authorities who exclude women presumably extend the restriction to a quorum of ten as well. See discussion above, notes 16 and 17.

26. See Frimer, *Op. cit.*, n. 79, and n. 40 of this paper. While some authorities would exclude women from all *minyanim* because of modesty considerations (an issue beyond the scope of this paper), such concerns plainly do not apply in a synagogue context, and particularly where a *meḥizah* is used.

27. The *gemara* knows very well how to derive number and gender when it wants to do so. Thus, in *She'vuot* 30a, in discussing the requirement of two witnesses in litigation, the *gemara* specifically says that the two must be men, citing a Biblical text where the word men is used. I also think it interesting that the word *edah* in Numbers 14:27, which is used to derive the requirement of ten, is also used two chapters later, in the episode of Korah's rebellion, to refer to men and women alike, in Numbers 16:21,24,26. Finally, I was intrigued by Rashi's comment (s.v. *hatashit bahamishah*) on Genesis 18:28, which suggests that Abraham felt the need for there to be a *minyan* of ten righteous persons in each of the five cities that God intended to destroy if they were to be saved. Are we to understand that if those ten righteous persons included some women, or were all women, that Abraham and God would have been content for those cities to be wiped out? Compare Rashi and *Targum Yonatan* at Gen. 18:33.

28. *Proverbs* 14:28. There is no independent basis in the Talmud for disqualifying women from participating in *devarim shebikedushah* (e.g., hearing the Torah read or forming a *minyan* of ten for *zimmun*), as is sometimes asserted. These rituals require a *minyan*, and women have been generally assumed to be disqualified from a *minyan*. But the Talmud does not declare women ineligible to participate in any of these rituals.

29. That the Sages felt that women were entitled to the same basic blessings and benefits as men, is made clear in *Kiddushin* 34a. In response to the suggestion that women should be exempt from affixing a *mezzuzah*, just as they are exempt from the study of Torah, because the two *mizvot* appear in consecutive verses (Deuteronomy 11:19 and

20), the *gemara* says: "You cannot think so, because it is written: "And you shall write them upon the *mezuzot* of your house . . . so that your days will be increased" (v. 21) — do only men need long life, and not women?"

30. In this regard, some authorities assert that there are different types of *minyan* for different rituals, and that women are included in the *minyan* for *megillah*, for example, because that merely involves giving publicity to the miracle, presumably in contrast to other *minyan* cases where something more is involved (Frimer, *Op. cit.*, p. 63). But is not publicity, the tendering of honor and respect to God and human beings in greater numbers, the essence of *minyan* in all cases, and certainly in the case of public prayer?

31. The argument that minors also could count in a *minyan* can easily be rejected by the assertion that they lack *da'at* (intellectual maturity), a quality that the *gemara* does ascribe to women (*Berakhot* 45b). Slaves lack social standing. See also n. 12.

32. See Berkovits, *Op. cit.*, p. 82, who assumes that the Sages undoubtedly "added" the requirement that only males can be part of the *minyan* at a later time, but provides no indication of when, where, why, and by whom that event occurred. As to Karo, see also n. 52.

33. It is even possible that Maimonides omits the word "males" when defining the composition of a quorum for prayer (*Hilkhot Tefillah* 8:4-6), but includes "males" when speaking in a later chapter of reading from the Torah (*Hilkhot Tefillah* 12:3), because he, too, recognizes that women are not to be consistently excluded from forming a *minyan*. Since Maimonides is exact in his formulation of the laws, omission by him here of a word that one would expect him to use, one that the Talmud uses elsewhere (see n. 27), one that other law codes use later, and one that he himself uses elsewhere, is telling. Note, however, that Maimonides seems to contradict himself: in 8:4, when discussing a prayer quorum of ten, Maimonides lists public reading of the Torah as a ritual for which a quorum of ten is required, which presumably means both males and females, but in Chapter 12, where he deals exclusively with the public reading of Torah and Prophets, he says that ten *men* are necessary. In addition, in *Hilkhot Berakhot* 5:7, Maimonides states explicitly that women do not form a quorum of ten for Grace and may therefore not add God's name to the *zimmun*. Perhaps he limits women in this way only with respect to *zimmun* because of its halakhic peculiarities.

34. In this regard, this case is somewhat like women's headcovering, where a number of authorities interpret prior halakhic requirements to apply only so long as social mores equate headcovering with modesty. See the articles of Marc Shapiro, Michael J. Broyde, and Lilli Krakowski, in JUDAISM 39:154 (1990) and 40:79 (1991).

35. Rashi (s.v. *da'afilu me'ah*) says that if women are not obligated to perform a certain act, three or more count as three men. This would imply that even three women could complete a *minyan* for prayer if only seven men gather, since public prayer is optional and not obligatory. The question that remains, however, is: Why do three women have *dei'ot* but not ten?

36. David Halivni (*Megorot Umesorot, Seder Mo'ed* [NY: J'TSA, 1975], pp. 1-12) points out that the *stama d'gemara* is the most recently added layer of the Talmudic text. He claims that it was incorporated into the pre-existing Talmudic units in order to weave the diverse tannaitic and amoraic statements into a cohesive whole. It is rare that the amoraic or tannaitic sources for the *stama's* assertions are not readily available. There are no such sources in this case.

37. See *Tosafot* (s.v. *v'ha me'ah nashei*) who say that even if many women add up to only two men for a *minyan* for prayer (*qibbuz tefillah*), and for any other case where ten are needed, still, for *zimmun*, they count as three. This statement lends itself to two interpretations: 1) three or more women may count as two men for public prayer or any other ritual that requires ten, such as a wedding (and, I would conclude, may therefore complete a men's *minyan* if eight have gathered); they may even count, *on their own*, as a quorum of three for Grace; 2) ten women do not constitute their *own minyan* for

prayer or for any other ritual requiring ten, because they are equivalent to no more than two men; but, three or more women may constitute a quorum of three for Grace.

38. *Hagigah* 4a; *Nazir* 61a; *Keritot* 7b.

39. *Mordecai*, in *Berakhot* 7:15b, mentions Rabbenu Simhah's ruling on a woman completing a quorum for Grace, and, in 7:172, mentions both this ruling and the one regarding a woman or slave completing a quorum for prayer.

40. For example, Karo could have said that he feared that a mixed *minyan* would lead to promiscuity, as did *RaN* about Grace with a mixed *minyan* (*Megillah* 19b), or that women may not count because they are not circumcised, as argued *Rosh* in reference to *minyan* completion by women (*Berakhot* 47b).

41. The three paragraphs of *Shema* are: Deut. 6:4-9, 11:13-21, and Numbers 15:37-41.

42. See Frimer, *Op. cit.*, notes 4a and 4b. In terms of the history of *Shema* and *tefillah*, the latter remained fluid for a long time, throughout the tannaitic period it seems. People who were not able to compose their own petitionary prayers (*eyn tefilatani shegurah b'fihen*) had to rely on a prayer leader. See Saul Lieberman, *Tosefta Kifshuta, Seder Zera'im* (NY: JTSA, 1955), pp. 31-32. and Joseph Heineman, *Hetefillah B'tekufat Hatannaim V'ha'amoraim* (Jerusalem: Magnes Press, 1966), Chapter 3, and in particular pp. 36-37. But *Shema* was probably known by all — it was of fixed content and length. Children already learned to recite the Bible by heart.

43. Hanoch Albeck (*Mishnah, Seder Moed* [Tel Aviv: Dvir, 1952], p. 365) comments that the leader would read the first half of each verse and the congregation would complete it. Lieberman (*Tosefta Kifshuta, Moed*, pp. 1206-1207) writes that *pores et Shema* means to introduce *Shema*, to recite the blessings preceding *Shema*. Rashi (*Megillah* 23b, s.v. *eyn porsin al Shema*) gives an altogether different explanation. Interpreting *pores* as half, he says that if a *minyan* of ten Jews missed *Shema* at the beginning of the prayer service, then (at the end), one of them should recite *kaddish*, *barkhu*, and the first blessing of *Shema*.

44. As for the blessings which precede and follow *Shema*, a point also raised by Wolowelsky, it is possible, in a preliminary way, to suggest a number of halakhic lines of reasoning that would permit women to serve as *sheliach zibbur* for this part of the service.

The first is based on the fact that the blessings that precede and follow *Shema* are tied to *Shema*, in particular the redemption blessing following *Shema* which must immediately lead into *tefillah*. When women, in the post-Talmudic era, were obligated by the rabbis to recite even one line of *Shema*, it follows that this new obligation carried with it an obligation to recite the blessings as well, given their general inseparability from *Shema* itself.

The second is based on the fact that these blessings, like the blessings of the *tefillah*, are petitionary. They ask God for a new light on Zion, wisdom, redemption, and protection. If women are obligated to recite the *tefillah* because it is petitionary, but exempted from reciting the three paragraphs of *Shema*, even though they are a confession of faith and acceptance of the terms of God's covenant, then the blessings preceding and following *Shema*, which are not verses like *Shema* but rabbinic compositions like *tefillah*, are, therefore, likely to be obligatory upon women.

The third is based on observed halakhic developments over the course of time. A survey of the writings of various prominent decisors reveals a consistent trend over time toward increasing women's obligations in prayer: women are obligated by various decisors to recite part or even all of *Shema* (see my previous article, n. 16, and Weiss, *Op. cit.*, pp. 23-24); *Arukh Hashulhan* obligates women to recite *birkhot hashahar* (*OH* 70:1); *Mishnah Berurah* obligates women to say *pesukei d'zimrah* (*OH* 70, note *bet*); and *Magen Avraham* obligates women to recite the blessings following *Shema* (quoted in *Mishnah Berurah OH* 70, note *bet*). The argument now becomes: once women are obligated to this many parts of the service, it stands to reason that they would be obligated to the other

parts as well, i.e., the blessings before *Shema*. If so, they are not disqualified from serving as *sheliaḥ zibbur* even for men, whose obligation to these blessings is also rabbinic.

The fourth is a variation of the third. According to *Rosh* and Rambam (see Weiss, *Op. cit.*, p. 27, n. 58), the first of the two blessings preceding *Shema* does not require a *minyān*, and hence there is no need for a prayer leader. The blessing following *Shema* is obligatory upon women since it is not a time-bound commandment and is also tied to the *amidah* (which is obligatory upon women). As for the second blessing before *Shema*, it serves as the theological predicate for the entire *tefillah*, i.e., all the petitions of the *amidah*, by describing God's closeness, immanence, and intimate involvement in the world. It is, therefore, quite clear that women should be obligated to recite this blessing as well.

45. See Weiss, *Op. cit.*, p. 30, who cites a number of authorities who obligate women to recite the *musaf* prayers.

46. See parallel texts in *Kiddushin* 70a-b and *J. Hallah* 2:1. It is not evident that the voice referred to is necessarily a voice of song.

47. The surrounding discussion assumes that people shared beds and did not don nightclothes. For further evidence of this, see, for example, *Tosefta Berakhot* 2:15: "If two were sleeping in one *tallit* (cloak/blanket) they may not recite *Shema* unless this one wraps himself in his garment and recites it, and this one wraps himself in his garment and recites it. If a person were in bed with a young son or daughter, it is permitted [to recite *Shema*]." Maimonides, basing himself on the Talmud, comments (*Hilkhot Tefillah* 3:18): "Two who are sleeping in one *tallit* may not recite *Shema* . . . unless a *tallit* separates the two of them so that their bodies do not touch from the hips down. But if someone were sleeping with his wife or small children, their bodies are like an extension of his own and he will not notice them (*v'eyno margish meihen*). Therefore, even if his body touches theirs, he averts his face . . . and recites [*Shema*]." Note that several paragraphs earlier (3:16) Maimonides says that a man may not see any exposed part of a woman's body, even his wife's, while reciting *Shema*. *Hagahot Maimoniyot* comments (*ad locum*, note *samekh*) that if a man were to hear a woman's voice that he recognizes while reciting *Shema*, it would not fall under the ban of *kol b'ishah*.

48. See *Mordecai* (*Gittin* 5:404) who suggests that when there are only *kohanim* available to read from the Torah, women should read from the third *aliyah* to the end. He says it is better that the dignity of the congregation be compromised by having women read than that a *kohen* cast aspersions on his lineage by reading beyond the second *aliyah*. If hearing a woman's voice were a problem, it is hard to believe that he would have ruled that way.

See Weiss, *Op. cit.*, p. 70, n. 10, and all the sources that he cites, in particular the article by Saul Berman, entitled "Kol Ishah," in the *Rabbi Joseph H. Lookstein Memorial Volume*, Leo Landman, ed., (NY: Ktav, 1980), pp. 45-66. See also Ellenson, *Op. cit.*, vol. 2, pp. 81-91, for a wide variety of sources on the subject of *kol b'ishah*, most of which rule stringently. The rubric under which Ellenson groups these texts is "hearing a woman's voice in song." See, in particular, the comments of R. Yehiel Weinberg, pp. 87-89, who says: "In these countries (of Western Europe), women feel insulted and their rights diminished if they are forbidden to participate in singing *zemirot* at a *Shabbat* celebration. . . . This might ultimately lead to alienating them from Judaism." Note that this concern was also key to the rabbis permitting women to study classical Jewish texts. See n. 55 and the text *ad locum*; see also n. 60.

49. It also follows from there that there should be no problem for a girl celebrating her *bat mizvah* or for a woman to deliver a *dvar torah* as part of the prayer service. See Frimer, *Op. cit.*, p. 67, for an explanation of why a *mehizah* does not split men and women into two separate prayer groups and, thus, does not prevent women from being part of a *minyān* with men.

50. See *J. Pesahim* 4:1, 30d, in particular the list of "women's customs." The fact that some customs were sanctioned, e.g., not working on *Rosh Hodesh* (the beginning

of each Jewish month), and some were not, e.g., not working Saturday night, suggests that, to become accepted as a *minhag*, a religious basis is necessary.

51. See Elliot N. Dorff and Arthur Rossett, *A Living Tree* (Albany: SUNY Press, 1984), p. 427.

52. It appears from S.D. Goitein's research that, early in Muslim history, women may have either been included in prayer *minyan* or at least obligated to attend synagogue services, but "social prejudices" to exclude them "became stronger than religious convictions" (*Jews and Arabs* [Schocken, 1974]), p. 185. This could have important implications for the reliance of later *Aharonim* (post-Karo commentators) on Karo's view. Research on the probably more complex development of Ashkenazi practice, "codified" by *Rema* in accepting Karo's requirement of males for *minyan*, could also be relevant.

53. Louis Jacobs, *A Tree of Life* (England: Oxford University Press, 1984), pp. 94-100.

54. See Michael Novak, "Women, Ordination, and Angels," *First Things*, April 1993:25-33; as to Muslim attitudes to women, see Bernard Lewis, *The Jews of Islam* (Princeton University Press: 1984), p. 8, who notes that "the rank of a full member of society was restricted to free male Muslims."

55. Broyde himself, n. 20, mentions the decision to educate women as a change in a "sanctioned" custom.

56. Dorff and Rossett, *Op. cit.*, p. 428.

57. Jonathan Sacks, *One People* (England: Littman Library of Jewish Civilization, 1993), p. 220.

58. *Bi'ur ha-Gra*, OH 55:1, citing *Ber.* 47b and *Tosafot*, *Ber.* 48a, s.v. *v'leit hilkheta*. See generally the analysis by A. and N. Zivotofsky in their paper on *zimmun* in this issue.

59. See n. 16.

60. See, e.g., Eliezer Berkovits, *Not in Heaven: The Nature and Function of Halakhah* (Ktav, 1983), pp. 8, 49 (as to the importance of preserving minority opinions for possible later use, even by a court that is not as great in learning and numbers), citing *Eduyot* 1:4; *Meiri*, *Beit ha-Behirah*, *ad loc*; Shlomo Riskin, "70 different versions can each be right," *The Jerusalem Post*, week ending September 4, 1993, p. 18, who asserts that, for many halakhists, halakhah "can recognize cultural changes, sometimes even reviving an earlier minority view as the binding one for our times." He cites, as an example, the majority view in the Talmud, and the view of Rambam and other authorities for centuries thereafter, that women should not be taught Torah (see, e.g., Rambam, *Hilkhot Talmud Torah*, 1:13), until — at the turn of the last century — the *Hafez Hayyim* ruled otherwise in his notes on tractate *Sotah*. It seems to me that the same reasoning applies to the majority — minority opinions of *Rishonim*, interpreting the ambiguous treatment of an issue (women and *zimmun*) in the Talmud. On the general topic of relying on earlier, minority opinions, see Michael Broyde's letter to the editor in *Tradition*, Spring, 1993: 108-110.

61. *Arpelei Tohar* 15. See the discussion by Tamar Ross (in this issue, at n. 15) in this issue of JUDAISM, of R. Kook's halakhic philosophy in general and of this insight in particular. I am not sure whether Jonathan Sacks, who also cites R. Kook's statement (*Op. cit.*, n. 57, p. 182), would agree with my view as the potential duration of the "temporary" period of such violations that may be implied in R. Kook's formulation.

The Rebirth of Anzia Yezierska

WENDY ZIERLER

IN THE EARLY 1920S, WRITER ANZIA YEZIERSKA was something of a household name. Countless newspapers and magazines told and retold her rags-to-riches story of literary success. Hers was a spectacular and particularly American ascent into the limelight. Some twenty years earlier, she had come with her family from the Russian-Polish village of Plotzk to New York's Jewish immigrant ghetto in the Lower East Side. As a young adult she toiled as a house servant, and then later in the sweatshops and the laundries, attending night school and preparatory school, and finally, Columbia University Teacher's College, all in order to "work herself up for a person." Burning all along with the need to express her immigrant aspirations, she labored at the craft of writing, creating stories which eventually propelled her to stardom — crude compositions by conventional standards, written in the raw unpolished Yiddishized diction and syntax of an immigrant, but redolent with emotion, energy and striving. By 1919, she had short stories accepted for publication by such major magazines as *The Metropolitan*, *The New Republic*, *Harper's*, *The Century*, *The Nation*, *Cosmopolitan*, and *Good Housekeeping*. In 1920, Edward J. O'Brien, editor of *The Best Short Stories* series, chose her story, "The Fat of the Land," as the best story of 1919. Before long, Yezierska had a contract with Houghton Mifflin & Company for the publication of her first collection of short stories, *Hungry Hearts* (1920), which received wide critical praise. That same year, Sam Goldwyn offered her \$10,000 for the film rights of *Hungry Hearts*, in addition to a three-year, \$10,400 contract if she would agree to supervise the MGM screen adaptation of her book. During the years 1922-1932 she published five more books, including *Salome of the Tenements* (1922), the film rights of which were bought by Twentieth Century Fox for the even more fantastic sum of \$15,000. From Hester Street to Hollywood, from "Scrubwoman to Novelist," as the *New York Herald* wrote in 1923, Anzia Yezierska had become, for a time, the apotheosis of the American dream.

Within ten years, however, Anzia Yezierska, the Sweatshop Cinderella, was almost completely forgotten, bereft of publisher, readership, and income. It is only since her death, in 1970, that Yezierska's work has been rediscovered by feminist literary critics and historians, as well as by scholars and readers interested in ethnicity and culture

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in America. In the late 80s, biographies of Yezierska began to surface, including a biographical memoir by Yezierska's daughter, Louise Levitas Henrikson.¹ Persea Books began reprinting *Hungry Hearts*, *Bread Givers*, and Yezierska's autobiography, *Red Ribbon on a White Horse*. Most recently, Persea has published *How I Found America*, a collection of all of the pieces from *Hungry Hearts* and *Children of Loneliness*, with an additional group of uncollected stories. Posthumously, Yezierska now enjoys the largest audience since her eclipse in the late '20s. To what do we attribute this reinvigorated interest in Yezierska? What was her selling power in the 1920s, and what are we rediscovering in her today?

Yezierska's stunning success in the early '20s can be attributed in no small measure to the public appeal and selling power of the story behind her stories. It was an irresistible tale, one which she herself and the publicity engines of Hollywood marketed with zeal: "A struggling young immigrant woman writer breaks away from the filth and grime of the ghetto, turns her back on the backward ways of her domineering old world father who refuses to recognize her personal aspirations, dips her pen into her heart, and writes stories about Lower East Side tenement life that lift her from sweatshop to stardom...."

Though untrained in the then fledgling art of public relations, Anzia Yezierska had an indomitable will and an unmistakable talent for embellishing her personal story in order to elicit sympathy and assistance from people who could help her achieve American success. As a young cooking student at the Clara de Hirsh Home for Working Girls, she so impressed the Trustee of the home, that she was given a full scholarship to attend Columbia Teacher's College. Like the passionate heroine of her second book, *Salome of the Tenements*, who exploits her "exotic" Russian and ghetto background to beguile her way into the heart of a Yankee millionaire named John Manning, Yezierska captivated people with accounts of her life. And so it was that when *Hungry Hearts* was published, and was not receiving enough publicity, she barged into the office of Dr. Fank Crane, syndicated columnist for the Hearst newspapers, and related to him a souped-up version of her life story which implied that as a young woman she had risen directly from the sweatshop to stardom with little education and little understanding of the art of writing. As a result of this unscheduled meeting, Crane would extoll her and her book in his influential column: "I got a new slant on America from Anzia Yezyierska" [Crane's misspelling]:

She walked into my office one day and brought the Old World with her. She had not said three words before I saw farther into the heart of Russia and Poland than I had ever been able to by reading many heavy books. She was Poland.... I kiss your hand, Anzia Yezyierska, for you are more than a Queen, you are a Thoroughbred.²

It was largely due to this adulatory column that Samuel Goldwyn pursued Yezierska for the movie rights to *Hungry Hearts*.

Without doubt, however, the most spectacular chapter in this tale of the making of “the gospel of Anzia Yezierska,” was her relationship — unknown to the public until after her death — with eminent philosopher John Dewey. Dewey and Yezierska met one day in 1917, when — without an appointment, of course — Anzia marched into Dewey’s Columbia University office. Familiar with Dewey’s progressive, left-leaning ideas, she had come to enlist his aid in her pursuit of democracy in education. She told Dewey of how she had committed herself ardently to her studies at Teacher’s College, “slaving in a laundry from five to eight in the morning, before going to college, and from six to eight at night after coming from college,”³ only to have her full teaching qualifications withheld because of her ungroomed personal appearance, and to be assigned to the lowest-paid substitute teaching positions. Determined to prove that she had been abused by “the agents of clean society,” Yezierska invited Dewey to watch her on the job. And to buttress her claims, she had him read two of her published stories — “The Free Vacation House,” and “Where Lovers Dream.” Dewey did visit the elementary school classroom where Anzia had been substitute-teaching, and did watch as she presented a very haphazard, ill-prepared cooking lesson; at the end of the class, however, having already read her two stories, Dewey candidly advised her to abandon teaching; clearly, she demonstrated much more talent as a writer.

Dewey was thus instrumental in setting her writing career on the right track. He bought her first typewriter, and it was likely under Dewey’s influence that she wrote the essay/story, “Soap and Water and the Immigrant,” which was accepted two years later by *The New Republic*. (Dewey was a contributing editor of that magazine at the time.) During the years 1917-1918, Yezierska and Dewey were deeply romantically involved, and this romance, which is insightfully chronicled in Mary V. Dearborn’s *Love in the Promised Land: The Story of Anzia Yezierska and John Dewey* (Free Press, 1988), infused Anzia with confidence and creative drive. For both Yezierska and Dewey, their relationship was symbolic of the coming together of the immigrant and America, a real-life fairy-tale union of two seemingly disparate worlds and modes of behavior, Russia and New England, heart and head, body and mind. Two years later, when the affair abruptly ended, she was desolated, and yet, at the same time, spurred on by the pain of their parting to prove herself as a writer, to become all that Dewey had promised she could be. Throughout her career, her experience with Dewey remained a central episode in her understanding of the elusive promise of America, a theme which is repeatedly treated in her fiction. So it was that their aborted affair gave rise to several stories in *Hungry Hearts* (“Wings,” “Hunger,” “The Miracle,” “Where Lovers Dream”) as well as several individual segments in her four novels. (In the last two novels, Anzia even included revised versions of Dewey’s love poems to her, without

crediting the true author, poems which were later collected and published as part of Jo Ann Boydston's authoritative edition of Dewey's collected poems.)

Publicity schemes notwithstanding, Yeziarska's literary acclaim was more than hollow hype and was, in many ways, well-deserved. Critics and readers admired her for both her subject matter and her gritty, raw and direct mode of telling a story. This was a time when urban immigrant populations were steadily increasing, and Americans were growing steadily suspicious of strangers within their midst. Her accounts of the Lower East Side led readers inside the hearts and minds of the ghetto folk — a people and lifestyle they knew little about. Her constant theme, the longing of the immigrant to gain acceptance and become a viable productive part of civil society, was at once emotionally riveting and reassuring to an increasingly xenophobic American public. At the same time, her unorthodox style — painfully honest, direct and unmediated, in which her heroines spoke with unbridled emotion about their yearning for love, beauty, education, and vocation — was something of a novelty. "These stories of the East Side reek with the aching passion of a lonely girl, and with the scent of herring and onions," wrote one reviewer. Fellow writer Gertrude Atherton called her a genius; Yale literature professor William Lyon Phelps wrote in the *New York Times* that "[m]any realistic tales of the New York Ghetto have been written, but in point of literary workmanship and in the laying bare the very souls of her characters, the superiority of Miss Yeziarska has not yet appeared."⁴

Indeed, there is a certain exhilaration — a sense of discovering the past and hopes for the future — that one experiences reading the best of Anzia Yeziarska's fiction. She had a marvelous ear for immigrant dialect, and her dramatizations of ghetto scenes, of the inevitable conflicts between Old World fathers and New World daughters, of the aspirations of a young Jewish immigrant girl for love, acceptance, and education, are without peer in America letters. Like other Jewish writers — Abraham Cahan and Henry Roth, just to name two — she employed immigrant dialect as an authentic means of probing the hearts of her characters and recording their impressions of the American Promised Land. Her stories were written with a curious blend of restraint and fervor. When it came to dialogue — without doubt the strongest sections in her stories — she let her ghetto characters speak in their own voices, subtly molding their conversations to heighten the sense of conflict between opposing personalities. In her love stories, particularly, her ardently independent protofeminist voice of unrestrained ambition explodes onto the page. "Make a person of yourself," says Sarah Reisel in the story, "The Miracle."

Begin to learn English. Make yourself for an American if you want to live in America. American girls don't go to matchmakers. American

girls don't run after a man: if they don't get a husband, they don't think the world is over; they turn their minds to something else.

Perhaps the most ecstatic expression of immigrant hope is an often-quoted passage from *Salome of the Tenements*: "I am a Russian Jewess," says Sonya, heroine of the novel, "a flame — a longing. A soul consumed with hunger for heights beyond reach, I am the echo of unvoiced dreams, the clamor of suppressed desires." As painfully excessive as this sort of declamation might seem, her disingenuous, ecstatic renderings of the immigrant's search for America were an aesthetic breakthrough of a sort, a poignant, unmediated expression of a new American's desire for a vital role in American life. In several of her stories, Yeziarska unveiled her admittedly simplistic understanding of what immigrants had to offer to their new homeland. Native-born WASP Americans were masters of logic, cold, reasonable, but the immigrant had fire and passion that could breathe new life into America. As the Dewey character in one of her early stories says in protest to her professed desire to learn how to tame her emotions:

But I don't want you to get down to earth like the Americans. That is just the beauty and wonder of you. We Americans are too much on earth; we need more of your power to fly. If you would only know how much you can teach us Americans. You are the heart, the creative pulse of America to be.⁵

With few exceptions, however, Anzia Yeziarska's fictions are tinged with sadness and disappointment, with a sense that the promise of America can never truly be found, that even American wealth is an ephemeral, shallow attainment. In Yeziarska's celebrated tale, "The Fat of the Land," this theme is tragically and beautifully rendered. After struggling for years to provide bread for her family, Hannah Breinah, a strong-willed, temperamental immigrant mother (loosely modeled after Yeziarska's own mother), is whisked away, through the financial successes of her now-grown up children, to an uptown life of comfort and wealth, of living off the so-called "fat of the land." Her children are ashamed of her persistent "greenhorn" ways, however, and she, well aware of their disapproval, feels outcast from their Fifth Avenue world. One day, in the hope of regaining her sense of belongingness, she returns to her people in the ghetto and spends the night lying on a lumpy, flea-infested mattress in the home of her old friend, Mrs. Pelz. After a wretched, sleepless night she returns to "the marble sepulcher" of her Riverside Drive apartment, with the awareness that she cannot be an immigrant twice.

She had outgrown her past by the habits of years of physical comforts, and these material comforts that she could no longer do without choked and crushed the life within her.

Anzia Yeziarska's experience of America followed a plot-line very similar to many of her stories — from poverty to an uncomfortable

spate of success to obscurity. She wrote and rewrote many of the facts of her life into her books (reworking them, of course, for effect) and incorporated many of the hard-knock lessons of her career. During her successful years, she felt forever suspicious of her prosperity, forever doubtful of her talent. Like her heroine, Hannah Breinah, she was out of place in the Fifth Avenue world, too “green” for the new world, and too American for the old. All her life she chased after the American dream, longing for success, love, perfection itself. At the same time, she was skeptical, even resistant, to fulfillment. Like the traditional Jew praying for the Messiah, she sought the promise of literature and forever found it lacking. Perhaps, she fixed it that her Messiah never came, for it was in the space separating hope and reality that her strongest writing took shape. When she was struggling and poor, she wrote stories which expressed the authentic hope of the downtrodden to rise above their oppression. But when she became successful, living in Hollywood or in some “swell” apartment uptown, her inspiration seemed to run dry. For her, it was extremely difficult to write stories about poverty when she was rich, and morally problematic to continue getting richer off tales of the poor.

By the same token, in the later '20s, critics and readers found it increasingly difficult to appreciate her work. By 1923, in fact, the year of the publication of her third book, *Children of Loneliness*, critics had already begun to tire of her subject and the sentimental excesses of her prose; in order for her to retain her audience, they said, she needed to be less confessional and more professional, more restrained and disciplined in her approach to her subject — an assessment which was, in effect, a repudiation of those very features which they had praised in her first two books. There was much substance to the negative assessments of her once-adoring critics. The stories in *Children of Loneliness* were an uneven lot. There were some strong pieces, most notably “Brothers,” the story of Moishé the Schnorrer, who scrimps and saves to bring his family from Russia to America, only to be betrayed by his “highfallutin” cultured newcomer brother, and a satire called “An Immigrant Among the Editors,” which includes a wonderful lampoon of such contemporary intellectual journals as *Free Masses* and *The New Republic*. But many of the pieces are decidedly mediocre — self-indulgent, mechanistically plotted and stale. Many of the stories read more like self-help therapy sessions than the thoughtful workings out of a fictional scenario. She allows her main character’s interior monologues to go on for so long that the story can no longer sustain its heroine. The title story, “Children of Loneliness,” culminates precisely on this kind of hyper-confessional note:

“I have broken away from the old world; I’m through with it. It’s behind me. I must face this loneliness till I get to the new world. Frank

Baker [another Dewey character] can't help me; I must hope for no help from the outside. I'm alone; I'm alone till I get there."⁶

No less problematic was Yeziarska's obsessive repetition of the same theme in every story. No writer can sustain the quality of her work under the strain of such redundancy. In one piece in the volume,⁷ a half-story, half essay, called "Mostly about Myself," Yeziarska herself concedes that she has but "one story to tell," and that she tells "that one story in different ways" each time she writes. Her one story, she says, is "Hunger. Hunger driven by loneliness." It was her obsessive tendency to tell and retell her one sad story that popular writer Will Rogers pin-pointed when he made the following remarks to her back in the 1920s when she was living in Hollywood: "Sad, sad little sister," he said. "You got success on a tear-jerker the hard way. Must you fiddle the same tune forever?"

She did achieve some well-deserved critical success in 1925 with *Bread Givers*, the story of Sara Smolinsky and her efforts to extricate herself from the strictures and orthodoxies of her immigrant father, Reb (Rabbi) Smolinsky — without doubt her most powerful achievement in fiction. In this novel, Yeziarska marshalled a complex network of characters, a series of deftly interwoven plots, and a number of beautifully executed scenes. The novel, however, did not sell, as was the case with her later, more inferior books, *Arrogant Beggar* and *All I Could Never Be*. During the Depression era, she worked on the WPA Writer's Project, but her writing efforts bore little fruit and she lost a good deal of her money.

It was not until 1949 that Yeziarska finished her seventh book and autobiography, *Red Ribbon on a White Horse*, the manuscript of which was repeatedly rejected by literary agents and publishers. True to character, she did not give up. In a style reminiscent of her early efforts at self-promotion, she took her manuscript to a number of renowned New York scholars, including Lloyd Morris, Henry Steel Commager and Reinhold Niebuhr. Although none of these figures was able to secure a publisher for the book, they gave her encouragement and support, promising to write favorable reviews when the book did come to light. Niebuhr led Yeziarska to the poet W.H. Auden, who agreed to write an introduction to the volume, a commitment which was probably a major factor in persuading Charles Scribner and Sons to publish the text. Auden's magnanimity did not stop the headstrong Yeziarska from holding up the entire production of the book when, instead of writing an essay of tribute to her achievement, Auden wrote what she considered to be a coldly dispassionate, overly intellectual analysis of her dominant themes. Yeziarska's hysterics aside, the essay opened with the following laudatory comment:

Reading Miss Yeziarska's book sets me thinking again about the self-

evident right of all men to "the pursuit of happiness," for I have read few accounts of such a pursuit as truthful and moving as hers.

Red Ribbon was received very favorably by critics, in part because of its literary merit and in part because publication of this work so late in her career represented in itself a very exciting comeback story after 18 years of silence — "An Artist Unfrozen," one *New York Times* reviewer called her. The story of her life was not sensational enough, however, to sell the book, and she was forgotten by the public once again, retaining, however, some status among fellow-writers as a woman of letters. Although she never completed another book, and published only a few more stories, she wrote over 50 book reviews for the *New York Times*, and received two \$500 grants from the National Institute of Arts and Letters before her death in 1970.

In the late '70s, however, Yeziarska was born again. Feminist social historians began reading her work in order to gain historical insights into the "World of their Mothers," to borrow the title of Sidney Stahl Weinberg's recent book, a realm they felt had been insufficiently explored in the more male centered accounts of the Jewish American immigrant experience. Yeziarska's stories about young Jewish women who break away from the strictures of their orthodox upbringings to pursue careers, and who insist on marrying for love, presaged their own growing opposition to a Jewish patriarchal tradition that had cast women in marginal community roles.

In short, Yeziarska was named a foremother. Jewish feminist literary critics began to celebrate her — along with her contemporaries, Emma Lazarus, Mary Antin, and Edna Ferber — as one of the founding mothers of American Jewish literature, and American Jewish feminism. For years, they claimed, histories of American Jewish life and literature focused exclusively on male Jewish contributions. The Roths and the Singers had eclipsed all possible female stars. Now women were "recuperating" female voices and constructing some notion of a Jewish women's history and a Jewish literary tradition in America.

There was and still is a risk to the literary aims of this project: feminist critics have resurrected and hallowed many a mediocre text — books which perhaps deserved to remain in the dustbins of history — for the sake of a kind of literary egalitarianism. While some of the stories featured in *How I Found America*, the latest edition of her stories, are masterpieces, a good number of the previously collected and uncollected stories simply prove the arguments of those critics in the late '20s and '30s who dismissed Yeziarska's work. Simply put, no critic can fairly argue, on the basis of literary quality and thematic range, that Yeziarska was the unrecognized Jewish Judith Shakespeare, or that she deserves to join the ranks of a Bellow or Roth.

Ironically, however, it may be Yeziarska's worst work — those redundant and effusive stories which tell the story of her emergence as

a writer — which offers one of the best arguments for the feminist re-readings of Yeziarska today. For someone looking to understand the history of Jewish women and the genealogy of Jewish women's writing in this country, Yeziarska's depiction of the struggles of the immigrant Jewish female writer are a mother lode. Jewish literary history boasts precious few female contributions — in any language, let alone English — before the beginning of this century. In large measure, it was the process of immigration from Eastern Europe to America (or, on the other side of the Atlantic, from Eastern Europe to Israel), the very act of transgressing the physical and social boundaries of old and coming to a new world where rules could be remade and education was there for the taking, which helped facilitate the flowering of Jewish women's writing in the early part of this century. It was this story that Yeziarska told repeatedly throughout her writing career.

The fiction of Anzia Yeziarska was one of several starting points for Jewish women's writing in America, and it bears all the imprints of a new, uncertain venture. Her "anxiety of authorship"⁸ was ever present; throughout her career she doubted her talent, and her obsessive return to the same subject over and over again — evidence of her fear that she could never get it quite right — in some ways was a self-sabotage of her achievements. "Woe to America," says her father to her in *Red Ribbon*, "Only in America could it happen — an ignorant thing like you — a writer!" Perhaps not only in America, but the American vision of this phenomenon is one that Yeziarska's fictional record painstakingly unveils. It was an unevenly executed record, at times masterful, at others blundering, but a record we should nonetheless be happy to have preserved.

NOTES

1. See Louise Levitas Henriksen, *Anzia Yeziarska: A Writer's Life* (New Brunswick: Rutgers University Press, 1988). Also see Mary V. Dearborn, *Love in the Promised Land* (New York: Free Press, 1988) and Carole B. Schoen, *Anzia Yeziarska* (Boston: Twayne, 1982).

2. For Dr. Crane's whole article, see Henriksen, pp. 148-150.

3. From Anzia Yeziarska, "Soap and Water," in *How I Found America* (New York: Persea Books, 1991), p. 72.

4. Henriksen, pp. 144-45.

5. From "The Miracle," in *How I Found America*, p. 59.

6. *Ibid.*, p. 190.

7. *Ibid.*, pp. 131, 136.

8. This term, coined by the feminist critics Sandra Gilbert and Susan Gubar, is a feminist adaptation of Harold Bloom's "anxiety of authorship." Early women writers often demonstrated a sense of anxiety at their lack of female literary predecessors, after whom they could model their work, or with whom they could identify. See Gilbert and Gubar, *The Madwoman in the Attic* (New Haven: Yale University Press, 1979).

Kabbalistic Feminism in Agnon's Betrothed

LIPPMAN BODOFF

Introduction

THE STRUGGLE TO PROVIDE AND MAINTAIN a Jewish identity as the core of Israeli culture, in the face of the chasm in Jewish life opened up by modernity between the self and reason at war with community and faith, is an underlying theme in much of Agnon's work. He simultaneously developed this theme and reflected it in his writing technique, by using modern literary approaches to character analysis and plot development, together with traditional Jewish symbols, allusions and subtexts. Nowhere is his concern about the importance of maintaining the Jewish core in Israeli life — indeed, in the lives of Jews everywhere, but even, perhaps, especially, in Israel — than in his two novellas, *Edo and Enam* (1950), and *Betrothed* (1943).¹

Betrothed, written in the midst of the Holocaust, sought to provide some reassurance that, somehow, the bones of Jewish tradition would yet live — or, more precisely, magically come alive again in the *Yishuv*, in the newborn Jewish homeland of *Erez Yisrael*. The reassurance is conveyed in *Betrothed* through the mystical doctrines of kabbalah, that portray history as the pre-destined process of the liberation of the sparks of Divine holiness temporarily captured in a world of evil, and their ultimate reunification with the Godhead through a spiritually redeemed Israel (Jacob in the story) united with the *Shekhinah* (Shoshanah in the story). But Agnon adds a strong dramatic touch to his novelistic treatment, pitting the spiritual, feminine *Shekhinah* of kabbalah against six secular, lovely, but lethal, spiritually debilitating young women of the *Yishuv*, in a cosmic battle for the soul of Jacob. The latter, in context, is made into an anti-hero; while ambitious and dedicated to his own professional advancement, he remains passive, uninterested and even oblivious of the spiritual battle around him.

Summary of the Story

As children, living in the European *Galut*, Jacob and Shoshanah (before *Betrothed* starts) had sworn eternal faithfulness to each other while playing together at the home of her parents, who had reached out to Jacob when his mother died in his youth. Their betrothal is con-

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summed in a ceremony in which she cuts off a lock of her hair and his, and burns the hair, and they both consume the ashes.² As the novella opens, Jacob is a young man living in the Land of Israel. His *aliyah* was funded by Shoshanah's wealthy father, Ehrlich, but started as an educational and career opportunity rather than as an expression of any Zionist idealism by either of them. Jacob has remained in the *Yishuv* as a teacher at a university, where he does research in the dead plant life of the Mediterranean, an activity "remote from the interests of the Jewish settlements;" not surprisingly, his cultural interests run to Hellenism rather than Hebraism.³

He lives in a secular city, Jaffa, where each person is busy "pursuing his own ends."⁴ and associates with a circle of six similar secular young women; together, they become known as the "Seven Planets."⁵ Oddly, there is not even the hint of any sex or romance between Jacob and any of them, despite their variety of origins, physique and personality. They spend time together in the homes, streets, and beaches of Jaffa, on the Mediterranean, under what seems like a remote, unseeing, star-filled sky — bonded to nature, happy together in an innocent, almost childlike way, in a cyclical, unchanging existence, with no evident goals, cares or concerns. Jacob is passive to them, and to the land and its culture.

Suddenly, Jacob learns that Shoshanah and her father are coming to Palestine for a brief visit, at the end of a long, worldwide trip that has taken them to many countries, before returning home to Vienna. Meeting Shoshanah for the first time as an adult, after many years, he immediately senses a permanent attachment to her — based more on their mutual childhood covenant than on any special feelings that she now engenders. But he feels undeserving of her, and unhappy, without knowing why.⁶ Shoshanah seems jealous of his six girl friends⁷ — particularly of Tamar, to whom Jacob has been most physically attracted (although Shoshanah had no evident way of knowing this) — and insists that Jacob repeat his childhood vow of faithfulness and marriage. But their future as a couple is clouded. First, there are her continued bouts of somnolence, interrupted only by a rewarding tour of the *Yishuv* — in which she is impressed by the rebuilding of the land and language of the Jewish people,⁸ while her father continues to view it as a place for the old, for retirement and death.⁹ Second, Shoshanah's and Jacob's outlooks are fundamentally different. He values his freedom and his career, and looks at the world optimistically, as a place of opportunity. She sees herself as separated from the world, a world which humans have nothing "to be proud about."¹⁰ Third, Jacob is offered an attractive new position in America, and he quickly decides that it's time to move on, even if this means leaving Palestine and Shoshanah.

At this point, Shoshanah falls into a virtual coma; her doctor's scientifically based prognosis is that she will die unless she returns prompt-

ly to Vienna for some unspecified treatment.¹¹ Jacob finds out about her illness and, this one time revealing a religious sensibility, prays: "Oh God, . . . save *me* in Your great mercy"¹² (emphasis added). Yet, he is determined to go do America. To deter him, Tamar attempts to seduce Jacob, but they are interrupted by the rest of the women, who succeed in moving the action, one last time, to the seashore, under the stars. They determine that one of them shall marry Jacob and go to America with him — the victor in a race that reverses the Greek practice: the girls will race for the man. The night and the rite capture the passive Jacob into seeming acquiescence at his coming captivity. Just when it appears that Tamar is about to win the race, Shoshanah appears and overtakes the pack, captures her human prize, and crowns herself with the garland of seaweed which the girls prepared for the victor.

Story Analysis

The battle of the contending forces of tradition and modernity in Jewish history is portrayed in *Betrothed* through the Jewish community in the Land of Israel, as it struggles to create a new homeland for the Jewish people. Agnon praises those who love the land and its people, who come to the land, work the land, and stay in the land — for whatever reason or motive. The Yemenite Jews have difficulty in reconciling Biblical texts with the world of reality, but — unlike Jacob — they continue to live and work in Israel, and to study Torah and obey its commandments.¹³ The Russian Jews are enthusiastic and passionate to the point of incivility, and the Sephardim are unsociable and superior — but both are loyal to their People and their Land. Yet, while the return to the Promised Land has required the destruction of the passivity, the defeatism — indeed, even the traditional faith — of most of Diaspora Jewry, Agnon recognizes that there can be no justification for the return unless the new Israel, represented by Jacob, inherits the tradition of Jacob's ancestors — represented, as we shall see, by Shoshanah. Even her secular father, Ehrlich, is able to discern that she and Jacob are eternally tied together, as he says to Jacob after the latter has decided to leave Shoshanah and the Land of Israel:

"Let me put it to you this way. Suppose I am holding on to some valuable object, which I am about to return to its *rightful* owner. Suddenly, the object slips from my hands before it has reached the owner and there we are, both left empty-handed; I who had it in my grasp and he who reached out to take it" (emphasis added).¹⁴

But that eternal bond, that alone can give a reborn Jewish people an identity, is threatened by secularism, on two fronts. First, is the battle for Jacob's loyalty to the Land, represented by the invitation from New York that he go there to become a full professor and occupy an academic chair that has been established in his honor. Second, is the looming

battle for Jacob's spiritual and cultural loyalty between Shoshanah and the six maidens — indeed between Shoshanah and the entire secular ambiance of the story, from Vienna to Jaffa, from her father to the "Seven Planets," from ancient sea to modern university. Both battles are ultimately a battle between Judaism and Hellenism, for Jacob's soul. Given his secular training and career, and a life that is not rooted in Jewish tradition, it seems inevitable to Agnon that secular Judaism means the death of Judaism and ultimately of the Jewish people.

Thus, Jacob's response to the call of New York to his career is single-minded and unreserved acceptance. His decision to leave, and Shoshanah's resultant sickness, produce another challenge, one last attempt by the six maidens to capture Jacob as a husband for one of them, if not for the land and its people. For them, the issue is who will go with Jacob to America. Looking out from the shore to a passing ship, too far to permit a perception of its direction, "to Jacob and his companions it made no difference where the ship was headed."¹⁵ For them, as for Ehrlich, travel is the goal, to see the world; all places and cultures are equal. Leaving the Land of Israel is no different than coming to it, if there is no special meaning to *Erez Yisrael*.

We are now ready to understand Shoshanah, and her role in the battle for Jacob's soul — a battle between Past and Future, Religion and Nature, Spirituality and Science, Hebraism and Paganism, Jewish tradition and Greek and Roman culture, God and Nature, the three-century old Death of Religion and its rebirth. For Agnon, however, there is more to the tale than just that clash; at stake is *the inevitability of its resolution* — an inevitability that Agnon represents for us in the symbols that permeate *Betrothed*.

Jacob is seemingly a permanent part of a secular circle which Agnon describes, in the words of the Jaffa community, as the "Seven Planets."¹⁶ These, in turn, represent the kabbalistic concept of the seven lower *sefirot*, or emanations of God, which represent the Divine in the material, observable universe, and guide its destiny. The three uppermost *sefirot* are *Keter* (the "ein sof" or eternal Godhead), and *Hakhma* and *Binah* (wisdom and intelligence), the two forms of knowledge in their male and female aspects. Together they make up the three upper *sefirot* that man cannot even approach. But through Torah, and the kabbalistic understanding of its symbols and commandments, man may comprehend and achieve the essence of the seven lower *sefirot*: *Tiferet* (beauty or compassion) (Jacob and the People of Israel); *Hesed* (love) (Abraham); *Gevurah* (power) (Isaac); *Nezah* (endurance) (Moses); *Hod* (majesty) (Aaron); *Yesod* (foundation) (Joseph); and — the tenth and most mystical of the *sefirot* — *Malkhut* (kingdom) (David). The last *sefirah* is not limited, however, to David. Indeed, in Lurianic kabbalah it stands for the *Shekhinah*, the feminine, merciful aspect of God that must combine with *Tiferet* (Jacob) and ultimately with the Godhead itself, with *Keter*, in order

for the world to operate in harmony and thereby be redeemed and returned to its original perfection, the perfect unity of God. Shoshanah, in Jewish tradition, is the *Shekhinah*. Thus, the history of the universe becomes, in kabbalah, a spiritual process of world redemption, in which the *Shekhinah* is the catalyst. Somehow, Shoshanah must become part of Jacob's circle of seven — and transform it by her presence and union with Jacob from seven secular "planets" to seven holy *sefirot*. Because of this Divine Plan, comprising the subtext of *Betrothed*, harmony will come, and redemption is inevitable.¹⁷

The Israeli critic, and my revered teacher, Gershon Shaked, has recognized the importance, for Agnon, of the miraculous in explaining Jewish history and its eternality. He argues that Agnon usually provides non-realistic, even miraculous escapes from the historical abysses and dead-ends faced by Jewish ideals and traditions, when his characters are confronted or mocked by the stubborn realities of modernity. Agnon generally provides

... a miraculous and non-rational counter-plot, deriving from irrational realms.... These works do not end happily, with reconciliation, but rather with acknowledgement of the dead-end, the gap between the powers at odds with each other....

What emerges from a general examination of the plots of these novels is that Agnon argued that only by means of irrational counter-plots (or a rational one contrasting with an irrational act based on nostalgia, the return to the doomed *shtetl*) can this generation grapple with the conflicts it confronts. According to the nature of things and logic, recent generations of Jewish society have reached a cul-de-sac, and each generation, everywhere, is threatened with devastation. One might possibly say that the final lesson of Agnon's view of history and society is that the society exists by virtue of miracles, and if we do not depend on miracles, we have nothing to depend on.¹⁸

Jewish tradition is rich in the symbolic importance of the *Shekhinah* and its metaphor, *Shoshanah* (or rose). The Midrash speaks of the *Shekhinah* as the Divine Presence, an aspect — and more particularly the feminine, daughter, sister and bride, aspect — of the Godhead, to which (a male) Israel seeks to cleave. It also equates that term with *Knesset Yisrael* — the Jewish people in its ideal (feminine) form, which claims (a male) God as hers alone, as Shoshanah claimed Jacob when they were children. Their mutual oath in *Betrothed* is like a modern double ring ceremony; each is dedicated to the other — "*Dodi li, v'ani lo*," as we read in *Song of Songs*, the canonical love duet and love longings between God and Israel as they eternally search for each other in the streets of Jerusalem. The Midrash speaks of Israel, the *shoshanah* of God, as a "rose among the thorns," in that, like Agnon's Shoshanah, it withstood foreign cultures while in *Gahut*, preserving the purity of Jewish belief, of Jewish monotheism and spirituality.¹⁹

Agnon does not leave Shoshanah's status, as a player in a cosmic

process, to our imagination or speculation. He does more than simply provide her with a name with traditional connotations. He endows her dramatically with redemptive qualities. She is a *Galut* girl who — unlike Jacob — has not lost her Jewish pride and identity despite the past secular ambience of her family and country. Though a latecomer to the Holy Land, she knows where she belongs when she gets there.

The *Shekhinah* (Shoshanah) has been in *Galut*, where our tradition tells us it went to accompany and preserve Israel in its wanderings among the nations (B. *Meg.* 29 a).²⁰ It has always sought to remain close to Israel, just as Shoshanah and Jacob, although having different parents, lived together in Vienna as part of one family. Shoshanah and the People of Israel were, from the beginning of exile, betrothed, as God took Israel for His bride on Mount Sinai. It was an oath taken to last until redemption, and the final unity of the People of Israel with the *Shekhinah*, in the Land of Israel.

But, as the *Zohar* represents, they have become separated, and, wandering from land to land, she is now tired, sleepy, although still able to withstand long voyages. Agnon's imagery reminds us of *Song of Songs*, where Shoshanah (there representing the Jewish People [2:1]), describes herself as "asleep, but my heart is awake" (5:2). She can endure separation and endless travel among the nations away from Jacob as long as she is not permanently rejected by him. She is prescient (recall her meeting with Tamar), suggesting powers that are more than mortal, the powers of spiritual insight. Indeed, when Jacob and Shoshanah first meet, as adults, in *Erez Yisrael*, Shoshanah speaks optimistically of "the resurrection of the dead," a concept which the secular Jacob emphatically rejects.²¹ For Shoshanah, there is more to history than man's perception of reality; for Jacob, there is only reality, the lessons of science. Her response, as if sensing that there will soon come a time when resurrection of the dead will have to be a reality for both of them, is described in the following way by Agnon:²²

At that moment Shoshanah seemed to hover (*merahefet*) over those blue distances she had spoken of. Then, suddenly, she answered Jacob's gaze. She took out her handkerchief, wiped her eyes, opened them and looked at him with absolute love. After a while she said, "I am going to close my eyes and you, Jacob, are to kiss me on the eyelids."

Jacob's own eyes filled with tears. With the tears still there, he placed his lips on her wet lashes.

Later, when Jacob is about to be enveloped in a pagan marriage rite orchestrated by the six maidens, this kiss and its remembrance will save him,²³ protecting him from an enveloping, consuming alien embrace. We should note Agnon's use of the word "*merahefet*," hovering, to describe Shoshanah's spirit, with its connotation of the Divine Spirit, from the opening lines of Genesis.

Shoshanah is not close to her father,²⁴ who is secular; and Agnon

suggests that his love for her is less as a daughter than as an heirloom, a treasured object of which one is proud, behind glass or in a portrait, but which is not a part of one's active life. She remains aloof from foreign cultures and uncontaminated by them. For Shoshanah, her childhood oath with Jacob is a lasting one. She loves the Land of Israel, as we see in her joy at her father's decision to settle in *Erez Yisrael*, and at the use of the Hebrew language as the language of prayer and daily life by her reborn People in a reborn Land. Shoshanah identifies Hebrew with the *sidur*, the language of prayer, that brings man in direct contact with God. Unlike Jacob, she believes in personal rebirth — personal resurrection — one of Maimonides' thirteen fundamental creeds of Judaism.

Jacob, like her father, shares neither her spirituality nor her faith. Indeed, she is the only protagonist in the story with a belief in, and an attachment to, Jewish land, liturgy, ritual, history and theology. Neither her father, nor Jacob, nor the "six maidens," show a loyalty to these values. It is her full acceptance of Jewish tradition that differentiates her from the others, that separates the *Shekhinah* from the other, opposite, forces contending for Jacob's soul. These forces include the locus of the story — multi-national, secular Jaffa, which Agnon points out was established by Japheth, father of Indo-European nations and cultures, and the Greek and Roman traditions and values of Western civilization. Jacob still clings to them; Shoshanah easily sheds them.²⁵

To realistically portray Jacob as both Shoshanah's beloved *and* the object of her spiritual battle for him, Agnon insightfully makes Jacob merely a passive, easily diverted, symbol of Hellenism. His life represents not Eros and instinct, as in the case of the six maidens who surround him, but knowledge and science — not Dionysus but Apollo.²⁶ As we have seen, the key to the meaning of Shoshanah's relationship with Jacob is provided by the kabbalah and its imaging of the cosmic process of redemption. Significantly, for Agnon, it is Shoshanah who must pursue and capture the passive Jacob, who is incapable of overcoming his desire to pursue, alone, a secular scientific life — despite his instinctive understanding that without Shoshanah he is nothing.

At the beginning of the story, the *Shekhinah* and Israel have become separated; we recall her words in *Song of Songs*, "*ani yeshena, v'libi er*," "I am asleep but my heart is awake," and we read about Shoshanah's initial intermittent dazedness, sleepiness, and her glazed, uninterested look as she waits unsuccessfully for Jacob to choose her over her spiritual adversaries, and bring redemption to the world.²⁷ She has been this way since he left her years ago to find his individual fulfillment.²⁸ Meanwhile, Jacob has been bound up in a life from which every element of Jewish tradition has been lost. But, soon after Shoshanah's arrival in Palestine, she has Jacob reaffirm his oath of loyalty to her, to the

Shekhinah, which he does without hesitation or reservation, although — as his actions show — still without real love and total commitment.²⁹

From that moment on, Shoshanah is alert, active — even enjoying material pleasures.³⁰ Yet, Shoshanah is still unhappy as she contemplates the future, knowing from her past European, Viennese experience that life even together with Jacob will be difficult in a hostile, warring world, in which evil is so powerful. Shoshanah's sadness is not a private death wish, but the real concern of someone who is aware of Jewish suffering,³¹ foreseeing that so much hardship is in store for them in the real world.

In contrast, Jacob is optimistic about the future, which he can see only as a vibrant young man, and not as a Jew threatened by the cultures that surround him. "Both of us are young enough, with all of our life before us." It is Jacob, the modern man of science and reason, who is unrealistically optimistic, who — caring only about himself — cannot accurately see where a world without spirituality is heading.³² But Shoshanah, sensitive to Israel's tradition and history, despairs, because she is concerned that the future may not be "any better than the life that lies behind."³³ The depth of Agnon's own despair in the middle of the Holocaust is represented by the despair of the *Shekhinah* itself, even as it contemplates renewed spiritual union with Israel, in the Land of Israel.

Jacob, because of his estrangement from Judaism, now is twice tempted to betray Shoshanah. First, he accepts the offer to become a professor in a New York university, without thought or regret. Shoshanah presumably learns about Jacob's decision when the rest of Jaffa learns about it, as they do very quickly.³⁴ Only then does she succumb to a new kind of sleep, seemingly permanent and just short of death, an illness both real and metaphysical, as she is about to be abandoned again by Jacob.

But the lure of a new, voluntary *Galut* in New York is not the only temptation facing Jacob. A far more serious test immediately awaits him, a test to which Shoshanah herself must respond, lest the Divine Plan for redemption go awry. For the six maidens now make one last effort to capture Jacob permanently, which is to say, to exclude the *Shekhinah* permanently from their community, and from ever marrying Jacob. It begins as Tamar comes to see him in his room for the first time³⁵ — Tamar, whom Shoshanah perceived as the true obstacle to her spiritually and physically uniting with Jacob and entering the "circle of seven," as Jewish tradition envisions, and thereby changing its essence from natural "planets" to spiritual *sefirot*. It is Tamar to whom Jacob has been most attracted physically and with whom he has most nearly formed a physical attachment. It is this Tamar — whose name connotes a dark moral aspect in Jewish tradition³⁶ — who now appears, asking Jacob for advice on two strangely contrasting career paths, which now

become understandable in their symbolism. The first alternative is for Tamar to go to Europe and become a doctor (a traditional and honorable career for a Jew) and thereby leave room for Shoshanah to join the circle of seven. The second, is for Tamar to remain in Israel and take up sculpturing (symbolic of graven images) and the beauty of form, a cultural symbol of Paganism and Hellenism, with their emphasis on strength and beauty. As we shall see, Tamar's appearance in Jacob's room, ostensibly for career advice, is a ruse for arousal. Tamar is out to become, and is about to become, the wife of Jacob — which will permanently exclude Shoshanah from the “planets,” destroy the reunification of the Divine *sefirot*, and bind Jacob forever to all that Tamar represents.

In short order, Tamar is joined by the other five girls, and there soon commences an unmistakably pagan, Greek rite under the stars, at the water's edge of Jaffa. They encircle and dance around Jacob, reminiscent of the psalmist's remark, “*sabuni gam sevavuni*” (“they compassed me about”), in describing the encirclement of Israel by its enemies. Soon, the girls decide to emulate the Greeks and have a race, with the winner — the “mighty runner” — to be crowned by Jacob and given to him in marriage.³⁷ Jacob is described as in a state of being “carried beyond himself,” as he had been all those other nights that he and the six maidens had walked by the sea under the stars feeling at one with the mighty beauty of nature around them — heaven and earth, land and sea — “which had become a single whole.”³⁸

But, adds Agnon, so that the reader keeps the invisible Divine role in mind, “this [unity of nature] was contained in yet another greater whole that no eye could see.”³⁹ Indeed, while Jacob now “put[s] Shoshanah entirely out of his mind” and is completely in the power of the maidens and the outcome of their rites, Agnon has not forgotten her: “Her memory formed a circle around his heart, like the golden lashes around her eyes as she slept,”⁴⁰ the lashes that she had earlier insisted that Jacob kiss, with evident prescience.⁴¹

The race commences, with the one who proves to be the most “mighty,” not the one whom Jacob truly loves, to be his bride.⁴² Here, Agnon presents a powerful irony. Jacob, who prides himself on his independence and freedom, has now become the object of capture and enslavement by those who symbolically represent precisely those values and virtues he has most sought in life. His enslavement will be symbolized by his being crowned by the victor with the very seaweed, the subject of his professional excellence, that symbolized that freedom and independence.⁴³ To compound the irony, his enslavement is about to be achieved by Tamar, who is about to win the race, and with it Jacob, and thereby change a destiny that, of course, cannot be changed, because for Agnon there is a “greater whole that no eye could see.”⁴⁴ We know that Tamar wants to win the race and Jacob, because Agnon

is careful to point out that she *overtakes* first Rachel and Leah, then Mira, Asnat and Raya, who had alternately taken the lead.⁴⁵ Indeed, it is now evident from this effort that winning Jacob was her objective when she came to his room, ostensibly to discuss career choices.

Shoshanah suddenly appears, in her white nightgown, “like a maiden suddenly alarmed in her sleep,”⁴⁶ alarmed because history is about to be irrevocably changed, because a destiny foretold in Jewish tradition is about to be permanently altered, nullified. She almost literally rises from the dead and wins Jacob’s hand, crowned by the garland of seaweed prepared by her adversaries,⁴⁷ which recalls her garland when, as children, she and Jacob first vowed their eternal union. She triumphs not because such an outcome is rational, but because for Agnon she is an instrument — the crucial instrument — of God’s Divine plan for Israel. Harmony has been restored to history through the Divine Plan as understood by kabbalah.

Agnon’s imagery of a near-death Shoshanah saving Jacob, the assimilated Jew, from extinction, re-enacting a pre-ordained cosmic process, points to an important message. Shoshanah can never be re-united with Jacob unless she pursues him, because the modern pull of acculturation makes him incapable of permanently identifying with and choosing either Shoshanah or her opposites. For him, as Gershon Shaked suggests,⁴⁸ they are all sisters, each other’s and his, and so he cannot independently unite with any of them without help. But, Agnon inverts the kabbalistic tradition of the *Shekhinah* waiting for an impatient lover, the *ze’ir anpin*, to symbolize how difficult the process of redemption will be. In the modern world, man cannot rely on a kabbalistically foretold destiny; only a miracle, wrought by those who believe in miracles and embrace those who do not, will suffice.⁴⁹

How Does It End?

Agnon never lets us be certain of what the verdict of history will be, which is to say, whether history and not God will really write the final text of his story. For, at the end of *Betrothed*, we are told that this is the end of the story “for the time being.” On what does the outcome depend? That we are not told. In the end, perhaps, it is for each of us to answer that question, by our faith, or our actions, perhaps both. Is Israel safe, even within the Land of Israel, if its culture, indigenous or imported, is a secular culture without religious content?⁵⁰ For the hideous possibility of Israel permanently exiled in its own land, *Betrothed* provides the healing balm of the possibility of a faith that such a permanent separation is impossible between Jacob and his eternal, historic, covenanted companion, Shoshanah. Such an exile, resulting from the permanent incompatibility between the *Shekhinah* and Israel,

would be contrary to God's plan in Jewish tradition, which provides the underlying text for this story.

There remains the question of whether there is a possibility, as some critics suggest, that the ending of *Betrothed* is a parody of Jewish tradition, a sick joke played at Jacob's expense. Is *Betrothed* a story of *Thanatos*,⁵¹ symbolized by Shoshanah capturing Jacob in a final deathly embrace, or — as I have suggested — a symbolic tale of hope for a Judaism and a Jewish people saved at the last minute from the deathly embrace of Hellenism and assimilation?

There does seem to be a sharp contrast, as Shaked suggests, between the *Shoshanat Ya'akov*, the Shoshanah of Jacob in the Jewish tradition (in the Purim poem established by the Great Assembly in the 5th Century, B.C.E.) who is *zahala ve'sameha*, happy and joyous, and the almost always sad, sleepy, and death-obsessed Shoshanah of Agnon's novella. Yet, it is difficult to support the view that Agnon is parodying the tradition — giving us a story ending in death and not life (or ignoring Jewish tradition altogether, as a minority suggest) — rather than employing it, as I argue, as a serious subtext for *Betrothed*. To adopt the parody view, one would have to believe that Agnon adopted in *Betrothed*, while the Holocaust was raging, the critique of traditional Judaism by the anti-Semite Nietzsche as the life-denying way of life, *par excellence*. One would have to believe that Agnon embraced in *Betrothed*, while Jewry's religious sages were being murdered, the anti-religious, secularist-nationalist views of such as A.D. Gordon, M.J. Berdiczewski and Ahad Ha'am. This is too radical a view for Agnon; it is not his way.⁵² I believe, therefore, that Shoshanah is seriously and not ironically symbolized, and her sadness and death obsession are not meant to ridicule the *Shekhinah* of Jewish tradition but to reflect on its historic crisis and describe its ultimate redemption. But there are additional historical and textual reasons that may be adduced.

Betrothed was written in 1942-43, when Hitler still occupied most of European Russia and most of North Africa, and was close to seizing Palestine and the rest of the Middle East, when the Holocaust had become known as an actuality if not in its full dimensions of 6 million Jewish dead. Shoshanah has a right, as it were — without symbolizing *Thanatos* — in a work written to be read by readers living in the awesome eye of Hitler's racial devastation, to envy the dead and to foresee tragedy lying ahead for her and for Jacob. Yet, she seeks and obtains Jacob's commitment to marriage and a future life together, and looks forward to it; she praises the rebirth of Hebrew and the Jewish people in the *Yishuv*; and she literally jumps for joy when learning that she and her father will live in *Erez Yisrael*. These are not the indications of a person that craves death, but of a sensitive, aware, realistic person who spiritually and ideologically wants to live and achieve her destiny, even while

— on a realistic and rational level — she recognizes how difficult Jewish life can be.

And there is the concluding personal observation by Agnon at the end of *Betrothed*, where he tells us that, because Shoshanah and Jacob were betrothed to one another through a solemn vow, he has titled the work *Sh'vuat Emunim*, the vow of those who are faithful (to God? to each other? to both?) and not, as “at first we had thought to call it, ‘The Seven Maidens.’” The concept of covenant between Jacob and Shoshanah overcame the secular, ambivalent, ironic concept of seven maidens (i.e., the inappropriate combination of the *Shekhinah* with her spiritual antagonists). For, without Jacob, there is no special content to “seven maidens;” they would merely symbolize seven women fighting for the loyalty and love of a man. But, because of the childhood oath sworn by Jacob and Shoshanah, symbolizing the covenant at Sinai between Israel in its historic youth and God, the title — and the story’s significance — had to be restated as the “Vow of the Faithful.”

The tale will, indeed, continue, as Agnon has noted, but the chasm between Jewish dreams and Jewish realities — and the modern chasm between what our minds believe and our souls perceive — will ultimately be bridged, as *Betrothed* reassures those with faith in Jewish destiny and redemption.

NOTES

1. As to *Edo and Enam* see Cynthia Ozick, “Agnon’s Antagonisms,” *Commentary*, Dec., 1988: 43-8. Recent treatments of Agnon as a modern traditionalist are Anne Golomb Hoffman, *Between Exile and Return: S.Y. Agnon and the Drama of Writing* (Albany: SUNY Press, 1991); *Idem*, “Agnon for All Seasons: Recent Trends in Criticism,” *Prooftexts* 11 (January 1991): 80-95; Gershon Shaked, Jeffrey M. Green, tr., *Shmuel Yosef Agnon: A Revolutionary Traditionalist* (N.Y.: New York University Press, 1989). As Robert Alter writes in *Defenses of the Imagination* (Phila.: Jewish Publication Society, 1977), p. 170:

“Yet Agnon could not, I think, have written at all without in some way using his work to sound the abysses of modern history, for modern history constituted a ruthlessly uncompromising challenge to the validity of the [Jewish] language, values and traditions from which he shaped his fiction.”

2. Chapter 3, page 12 (format hereafter 3:12), and 24:104. References are to the chapter and page number of the English translation of *Betrothed* in *Two Tales by Agnon: Betrothed and Edo and Enam* (N.Y.: Schocken Books, 1966). This ceremony recalls many similar kabbalistic rituals to ward off future misfortune. See Stephen Sharot, *Messianism, Mysticism, and Magic — A Sociological Analysis of Jewish Religious Movements* (University of North Carolina Press, 1982), pp. 42-43. After they meet again, Jacob remembers how, just before the vow, she had plunged into her father’s pond and emerged, covered with seaweed, and he realizes how this event may have determined his choice of career — and, Agnon intimates, the future events in his life. Interestingly, the garland of laurel wreath is both a Greek and Jewish tradition. In Judaism it represents not only victory and royalty but beauty, the bride, and the priesthood. See Eliezer ben Yehudah, *A Complete Dictionary of Current and Modern Hebrew* (N.Y.: Thomas Yoseloff, 1960), Vol. III, p. 2395; see also *Kinot for Tishah B’Av (klilat yofi)* and the *hoshanot for Succot (even shtiyah)*.

3. 1:9; 5:21. Jacob is wont to thank the "gods" when things are going well, but rarely God as One. Compare 22:89, 28:120, and 29:121 with 23:97.

4. 1:3-3; 26:114

5. 5:22

6. 7:30; "Without her, the whole world would be lost to him" (22:93). At one point, imagining that Shoshanah's father disapproves of him as a future son-in-law, Jacob uncharacteristically resolves to marry her by force, if necessary, as a symbol of his freedom (20:80-81).

7. 19:69-70, 76; 21:83-4; 22:90-1, 94; 29:123.

8. 22:87-8; For Shoshanah, the rebirth of the Hebrew language, "the language of the prayer book," is "wonderful."

9. Chs. 12-14, 21. For her father, steeped in secular universalism and cynicism, all people, places and cultures are the same, and none are worthy of special commitment. The land of Israel is a place for death and the object of charity, not for life and financial commitment looking toward historical rebirth and rejuvenation.

10. 22:88, 92.

11. 25:105, 106, 109.

12. 25:12.

13. 12:46-47.

14. 25:109.

15. 31:130.

16. Agnon here alludes to a mixed symbol, connoting Hellenism and Jacob's potential liberation to Hebraism. In astronomy, the "Seven Sisters" is the term used to describe the Pleiades, a star field in the large constellation of Taurus; see Gilbert E. Satterthwaite, *Encyclopedia of Astronomy* (N.Y.: St. Martin's Press, 1971). Note how Jacob, in his passive relationship to the six maidens, becomes — symbolically — one of seven "sisters." In Jewish tradition, the Pleiades, known as *Kimah*, symbolize the seven pillars of Jewish wisdom, *hokhmah*. See Proverbs 9:1; Amos 5:8; Job 9:9 and 38:31 in the *Mikraot Gedolot* edition of *Tanakh* (N.Y.: MP Press, 1981). At the same time, the aspect of Paganism and Hellenism is also conveyed, because of the esteem paid by ancient cultures to the Pleiades. See the commentary in *Tanakh*, (Tel Aviv: S. L. Gordon, 1956), at Job 9:9 and 38:31. Moreover, in his commentary on Proverbs 9:1, Abraham ibn Ezra suggests, in his often-used elliptical way in sensitive interpretive areas, that wisdom's seven pillars may refer to secular or other forbidden knowledge.

17. Symbolically, Agnon refers to Shoshanah as a "sleeping daughter of a Queen" (15:56), referencing the kabbalistic idea of the symbolic significance of four *sefirot*, two from the upper *sefirot* and two from the lower *sefirot*, representing two sexually related pairs: [Beginning after the uppermost *sefirah*, the *ein sof*] Wisdom (*Hakhmah*), the Supernal Father, and Intelligence (*Binah*), the Supernal Mother; Compassion (or Beauty, *Tiferet*), representing Jacob, their son and the People of Israel; and the last of the lower *sefirot*, which is the tenth, Kingdom (*Malkhut*), their daughter. See Raphael Patai, *The Hebrew Goddess* (N.Y.: KTAV, 1967), pp. 162-78, 267; Sharot, *Op.cit.*, p. 32. In the sexual mythology of kabbalah, the estrangement between Jacob and Shoshanah in the real (lower) world both reflects and causes a similar estrangement between God's male and female aspects in the spiritual (upper) world. The metaphor for both is the destruction of God's bedchamber (as it were), the Temple. The observance of the Commandments, the union of Jacob or Israel with the *Shekhinah*, restores harmony among the family, the four aspects of the Godhead, and among the *sefirot* generally. See Sharot, *Ibid.*, pp. 32-33. On the *sefirot* in kabbalah generally, see Philip S. Berg, *Kabbalah for the Layman* (Jerusalem: Press of The Research Centre of Kabbalah, 1982); Gershom G. Scholem, *Major Trends in Jewish Mysticism* (Schocken Books, 1961), pp. 205-233; Barbara T. Stephens, "A Cry in the Wilderness: Shekinah as Psychological Healer," *Journal of Psychology and Judaism*, Vol. 15, No. 1 (Spring 1991): 29:42.

18. "By Some Miracle: S. Y. Agnon — the Literary Representation of Social Dra-

mas." appearing in *Modern Hebrew Literature* (Spring/Summer 1986): 11-16, reprinted in his book, *The Shadows Within: Essays on Modern Hebrew Literature* (Jewish Publication Society, 1987), pp. 134-44.

19. The Jewish mystical tradition ascribes to God and Israel both masculine and feminine aspects (Scholem, *Op.cit.*, pp. 229-30; Raphael Patai, *Op.cit.*, passim; both are used and intermixed in *Betrothed*. For example, while Agnon primarily uses the kabbalistic image of a male Jacob and female *Shekhinah*, he does not hesitate to describe her as jumping, dancing and running (3:13-14) in her youth, reminiscent of the similar qualities ascribed to God, represented as Israel's male lover in *Song of Songs* (ch.2). Similarly, Shoshanah, representing God in *Betrothed*, faces a sickness of love (when she is betrayed by Jacob's decision to go to New York) that is reminiscent of the pangs of love, *holat ahavah*, experienced by the feminine Israel (Shoshanah) in her love of God (her male lover) in *Song of Songs*.

20. B. *Meg.* 29a.

21. 22:95.

22. *Ibid.*

23. 31:128.

24. 18:68.

25. Because God only dwells in the tents of Shem (Gen. 9:29), Jaffa — representing Japheth and not Shem (B. *Yoma* 96) — is depicted as inhospitable to the Jewish religious and spiritual essence of the *Shekhinah* (Patai, *Op.cit.*, p. 144).

26. 5:21. See Alan J. Mittleman, "Christianity in the Mirror of Jewish Thought," *First Things* (August-September 1992): 18, for an interesting analysis of these two approaches to religion as developed by Leo Baeck.

27. 13:50.

28. 32:92.

29. 15:56-58.

30. 22:86.

31. 22:92. As noted in n. 49, some critics interpret Shoshanah as death.

32. *Ibid.*

33. *Ibid.*

34. 23:97-99.

35. 29:120.

36. 19:76; One recalls Tamar and Judah and Tamar and Amnon, although the Midrash sought to justify Tamar's actions with Judah within the halakhic rules of Levirate marriage. It has been observed that Tamar, in Hebrew, means "substitute," which suggests, in *Betrothed*, the idea that she is the intended substitute for Shoshanah as Jacob's mate, until the miraculous, last-minute victory of Shoshanah. See, generally, Devora Steinitz, *From Father to Son: Kinship, Conflict, and Continuity in Genesis* (Louisville, Ky.: John Knox Press 1991), p. 163. See also, Mordecai A. Friedman, "Tamar, A Symbol of Life: The 'Killer Wife' Superstition in the Bible and Jewish Tradition," *AJS Review*, Vol. XV, No. 1 (Spring 1990): 23-61.

37. 31:132.

38. 31:128-9; even here, however, Agnon conjures up a mixed image, in which there is also an ancient Hebrew element, the festival of prayer and thanksgiving in the pre-synagogue Biblical period at Pharos, which were offered — it appears from Philo — on the beach, true to the historic origin of such gatherings as non-sacrificial assemblies around deserted altars, near city gates. Salo W. Baron, *The Jewish Community* (Phila.: JPS, 1949), p. 86.

39. 31:129.

40. 31:128.

41. 22:95.

42. 31:128-32.

43. 30:127; 31:135. Agnon here employs another ambivalent, mixed Greek and Hebrew symbol: the laurel wreath (see n. 2).

44. 31:129.

45. 32:137.

46. 32:138.

47. 32:139.

48. "Portrait of the Immigrant as a Young Neurotic," *Prooftexts* (January 1987): 41-52; *Shmuel Yosef Agnon: A Revolutionary Traditionalist*, *Op.cit.*, pp. 171-86.

49. The literary critics of *Betrothed* with whom I am familiar either (1) do not offer a rigorous analysis of Agnon's kabbalistic symbolism; (2) see *Shoshanah* as representing death rather than redemption; or (3) treat *Betrothed* as a psychological tale rather than a cultural allegory. See Dov Sadan, *On S. Y. Agnon* (Hebrew) (Tel Aviv, 1959), pp. 74-88; Robert Alter, *Defenses of the Imagination*, *Op. cit.*, pp. 187-98; Hayyim Nagid, "The Vow, the Moon, and the Crown: On Kabbalistic Symbolism in *Betrothed*," *La Merkhav* (Masa Section) (Hebrew), October 13, 1967; Dina Stern, "The Betrayal and Its Consequences: A Study of *Betrothed*," (Hebrew) (Tel Aviv, 1964); Arnold Band, *Nostalgia and Nightmare: A Study in the Fiction of S.Y. Agnon* (University of California Press, 1968), pp. 367-82; Naomi Tamir, "*Betrothed* — Four that Are One" (Hebrew), *Hasifrut* 3 (1972): 479-506, cf. 507-16; Baruch Hochman, *The Fiction of S.Y. Agnon* (Cornell University Press, 1979), pp. 4-5; Harold Fisch, *S.Y. Agnon* (N.Y.: Ungar, 1975), pp. 32-41; Gershon Shaked, *Shmuel Yosef Agnon . . .*, *Op. cit.*, pp. 178-85.

50. The continuing relevance of Agnon's concern in these two novellas is attested to by Eliezer Berkovits (who lived in Israel from 1975 until his recent death), in *Crisis and Faith* (N.Y.: Hebrew Publishing Co., 1975); see also his remarks quoted in *The Jerusalem Post*, International Edition, Week Ending July 11, 1992, p. 8B.

The problem of a secular, Jewishly empty culture in Israel does not necessarily imply that so-called "secular studies," both science and social science, from math to novels, should be disregarded or discarded. Apart from the necessity of such education for a Jewish (or any other) nation to function — internally and in its international relationships — the concept of *Torah U'Madah* or *Torah Im Derekh Erez* is a posited value for many traditional, committed Jews. See, e.g., *The Torah U'Madah Journal*, Vols. I (1989) and II (1990), published by Yeshiva University, and Mordechai Eliav, "Various Approaches to *Torah Im Derekh Eretz*: Ideal and Reality," *Tradition* (Winter, 1992): 99, 104-7.

51. See, e.g., Gershon Shaked, "Portrait of the Immigrant as a Neurotic," *Prooftexts* (January, 1987): 47.

52. As Dan Miron has noted:

Agnon could not in any way have . . . [debased] the religious order of the universe to the level of cultic order in the world of pagan myth. . . . Agnon did not dare to leave his readers mired in ethical stupefaction and religious doubt without any promise of a future solution.

See, "Domesticating a Foreign Genre: Agnon's Transactions with the Novel," *Proof-texts* (January 1987): 10; cf. p. 11.

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A Feminist's Look at Esther

RIVKAH LUBITCH

FEMINISTS COMMITTED TO JEWISH TRADITION have been taking a new look at Scripture and midrashic writings in search of female role models which might inspire the modern Jewish woman. The problem is twofold: not only are there too few female personalities who have played important roles in our tradition, but those few whose role was considered appropriate enough to be accorded a permanent place in Jewish tradition do not necessarily act in ways which inspire the modern woman. The female figures are nearly always secondary to the male "stars," often having acquired power by being the wife/sister/daughter of the central male figure, and not in their own right. Of course, past generations cannot be blamed for molding role models which expressed the reality and expectations of their own world. However, understanding this does not make the female role models we have inherited any more adequate for women today. Esther does provide such a model if we look carefully at the text and analyze the pertinent *midrashim*.

From a systematic study of the verses in the *Megillah* which refer to Esther, it is clear that she combines two very different personalities in one woman during the course of the story. Esther of the beginning of the *Megillah* (Esther 1) plays the typical feminine role. Yet, at a certain point in the story, as we shall see, she "snaps" out of the dream world she has been in, and assumes a role which is good enough for any feminist (Esther 2). Esther 1 is passive, obedient, dependent and silent. Esther 2 is active, assertive, tactful, independent, and holds political power in the real world.

We are first introduced to Esther only by way of Mordekhai. Verses 5 and 6 in chapter 2 (2:5, 6) tell of Mordekhai's lineage, which marks his place in a well-known family and sets the historical background for the coming story. Two verses later we are told of his cousin, Esther, whom he takes in to care for, after she is orphaned. Esther 1 is introduced as being of striking appearance and charm, and the reader is reminded of this several times in the chapter.

In verse 2:7 we read the following description: "The maiden was shapely and beautiful." The description in this verse seems out of place and clearly interrupts the sequence of the sentence in which it is placed. The verse in its entirety reads as follows: "He was foster father to Hadasah — that is, Esther — his uncle's daughter, for she had neither father nor mother. The maiden was shapely and beautiful and when her father and mother died, Mordekhai adopted her as his own daughter." The interruption by the author, who notes her beauty while in the midst of de-

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scribing her familial situation, may be understood as an alternative explanation for Mordekhai's taking her into his home.

It is possible that there were two traditions of Esther's relationship to Mordekhai, which were merged together. One version may have claimed that she was his foster child, probably reading as follows: "He was foster father to Hadassah — that is, Esther — his uncle's daughter, for she had neither father nor mother, and, when her father and mother died, Mordekhai adopted her as his own daughter."

The other version may have seen her as being Mordekhai's wife, probably reading something like this: "Hadassah — that is, Esther — his uncle's daughter, was shapely and beautiful, and Mordekhai took her as a wife." The Hebrew verb, "lekakha," translated literally as "he took," is used many times in the Bible in connection with marriage, and the translation "adopted" does not hold within it both the possibilities suggested by the Hebrew verb "took." The Hebrew "*bat*," meaning "daughter," will read "*bayit*" if merely one letter ("yod") is added to it, changing the meaning from "daughter" to "house," which in rabbinic language also means "wife" (B. *Megillah* 13a).

It was not a problem for the author to combine both traditions, since marriage between a well-off male and his niece or younger needy cousin was encouraged. The relationship between spouses under such circumstances was surely far from being equal. Hence, the image of Esther as derived from the introducing verse is set: young, beautiful and totally dependent on her provider (foster father or husband) Mordekhai.

Shortly thereafter we are told that Esther found favor in the eyes of Hagay the "guardian of women." Verse 2:9 reads: "The girl pleased him and won his favor." But in case we have doubts about a eunuch's taste in women, we are soon informed that she found favor in all eyes, for 2:15 reads: "Yet Esther won the admiration of all who saw her." No wonder Ahashverosh, the king, was also immediately attracted to her, as the *Megillah* reads in 2:17: "The king loved Esther more than all the other women, and she won his grace and favor more than all the virgins."

Esther 1 was not only beautiful, as we have been informed in different verses, but she also had other virtues of an ideal woman: she was obedient and followed instructions given to her by her providers. The *Megillah* states in 2:10: "Esther did not reveal her people or her kindred, for Mordekhai had told her not to reveal it." Her image as well disciplined is further reinforced in verse 2:20, which reads: "But Esther still did not reveal her kindred or her people, as Mordekhai had instructed her." And in case we are not yet sure about who gives and who takes orders in their relationship, the *Megillah* informs us that "...Esther obeyed Mordekhai's bidding, as she had done when she was under his tutelage."

After Esther was taken to the palace under the wing of Hagay, she makes no demands on her new temporary provider. When offered "anything" before going to the king, Esther had no demands or requests other

than whatever Hagay wished to give her. Thus, 2:15 reads: “She did not ask for anything but what Hagay, the king’s eunuch, guardian of the women, advised.”

The *Megillah* emphasizes Esther 1’s passivity by the unusual use of the passive form of certain verbs. In 2:8 and 2:16 the *Megillah* uses the rare form “vatilakh,” translated as “she was taken.” This form of the verb emphasizes the fact that she had no active part in what happened to her. In 2:11, Mordekhai, in his concern about her, was worried about what would be done to her. The words of the *Megillah*, “*ma yey’aseh ba*,” translated as “what was happening to her,” again mark the fact that she had no control over her situation.

Esther 1’s image is derived not only from what the author tells of her, and the form of language used to do so, but also through what the author does *not* tell of her. In chapter two (excluding verse 22) Esther says nothing and does nothing. Many events take place around her: kings have conquered lands, feasts have been held, people have risen to power and fallen — while Esther 1 simply IS. She is moved from place to place like a pawn, never taking control of her life, always being acted upon. She was raised and cared for by Mordekhai (taken as a wife?), taken to the palace by the king’s men, provided for by Hagay and sent off to the king, to be loved and crowned by him.

The first time the *Megillah* makes reference to her as an active being capable of speech is in 2:22: “And Esther reported it to the king in Mordekhai’s name.” Yes — she spoke! But not her own words. Esther 1 is simply an emissary who passes on the words of one man (Mordekhai) to another (Ahashverosh).

In chapter three, the wicked plan to be rid of the Jews is spelled out. Haman, Mordekhai and Ahashverosh therefore feature prominently, whereas Esther, who is far from the political realm, is not even mentioned. This chapter ends with the verse which ironically contrasts the light-heartedness of Ahashverosh and Haman with the desperation of the Jews of Shushan. “The king and Haman sat down to feast, but the city of Shushan was dumbfounded.” “The city” obviously does not include Esther, who evidently was totally ignorant of the situation. Chapter four opens with the description of Mordekhai and the Jews mourning outwardly. Everyone knew what was happening except for Esther 1 in the palace harem, who knew nothing. Mordekhai and the Jews took to fasting, weeping and wailing, and all lay in sackcloth and ashes. But still Esther knew nothing.

When told of Mordekhai’s inappropriate dress, she was extremely distressed. In 4:4 she is finally moved to take action. But what kind of action? “She sent clothing for Mordekhai to wear, so that he might take off his sackcloth.” The typical Jewish mother makes sure that everyone is properly dressed! How narrow-minded could she possibly have been to send clothes for Mordekhai before investigating the matter!

Viewing the situation from Esther 1’s position, it is clear that she had

every reason to be upset after her attempts to dress Mordekhai failed. She would not stand for such nonsense! Strong language is used to express her fury. Verse 4:5 reads as follows: "Thereupon Esther summoned Hathakh, one of the eunuchs whom the king had appointed to serve her, and sent him to Mordekhai to learn the why and wherefore of it all." The author has successfully put Esther 1 to shame by mocking her concern and anxiety over the wrong issue.

Mordekhai sends word for Esther to take action. In 4:8, verbs of action are squeezed together giving the impression of an anxious Mordekhai. "He also *gave* him the written text of the law that had been proclaimed in Shushan for their destruction. He *bade* him *show* it to Esther and *inform* her, and *charge* her to *go* to the king and to *appeal* to him and to *plead* with him for her people" (emphasis added).

In 4:11 Esther responds to Mordekhai and disappoints the reader completely. "All the king's courtiers and the people of the king's provinces know that if any person, man or woman, enters the king's presence in the inner court without having been summoned, there is but one law for him (or her) — that he be put to death. Only if the king extends the golden scepter to him may he live. Now I have not been summoned to visit the king for the last thirty days." To make a long story short, Esther's reply was, simply, "I can't do it!"

Yet, how could she have responded otherwise? How could Mordekhai have expected this pretty little obedient woman, born and bred to please others, to act and take the lead when needed?

The furious Mordekhai retorts with harsh words. In 4:13, 14 we read: "Do not imagine that you, of all the Jews, will escape with your life by being in the king's palace. On the contrary, if you keep silent in this crisis, relief and deliverance will come to the Jews from another quarter, while you and your father's house will perish." Mordekhai was saying, in other words: "Don't hide away in the home!"

"Don't be silent!"

"If you stay quiet now, you will lose your part in history, and you *do* have a part to play!"

It was this severe response from Mordekhai that shook Esther 1 into her new mode. The change that overcame Esther is so striking, that it is quite clear that the author of the *Megillah* was fully aware of this transformation, and intended us to notice it. Esther 2, who will be featured until the end of the story, was the complete antithesis of Esther 1. She was assertive, active in the political realm, and full of self-confidence.

Esther saw herself as the savior of the Jewish people of her day. She called for her people to fast and pray for her for three days. Verses 4:16, 17 read: "Go, assemble all the Jews who live in Shushan, and fast in my behalf; do not eat or drink for three days, night or day." This call for a general three day fast and prayer on her behalf is evidence that she was

full of self-confidence after realizing her important role in saving the nation.

In verse 4:17 we notice that the relationship between Esther and Mordekhai has changed dramatically. Esther no longer takes orders from her cousin, but, rather, she issues them and he obeys, as 4:17 reads: “So Mordekhai went about the city and did just as Esther had commanded him.”

From this point to the end of the story all cards are in Esther’s hands. She did not, as far as we know, consult with Mordekhai about how to approach the king and what tactics to use to arouse his emotions. If anything was hinted to Esther by Mordekhai, it was to arouse the king’s mercy by begging — “to appeal to him and to plead with him.” But Esther 2 needs no help from Mordekhai. She ignores this tactic and chooses her own: Instead of arousing the king’s mercy, she successfully stirs his rage and anger against Haman.

Mordekhai is not the only one left in the dark about her plans. Ahashverosh himself seems quite baffled, guessing that there is something more to her generous invitations than simply a social occasion. Hence he asks: “What is your wish? It shall be granted you. And what is your request? Even to half the kingdom, it shall be fulfilled” (5:6). On the second night, Ahashverosh urges her again: “What is your wish, Queen Esther? It shall be granted you. And what is your request? Even to half the kingdom, it shall be fulfilled” (7:2).

Contrary to the generous offer made to Esther 1 at the beginning of the *Megillah* by the guardian of the harem, “*whatever* she asked for would be given her to take with her from the harem to the king’s palace” — which really referred only to anything that could make her more attractive — the offer made to her now, by the king, although only *half* the kingdom, reflected real power.

Haman’s begging mercy from Esther when the king was enraged at tests to the fact that he knew very well the power she held. Verse 7:7 reads: “While Haman remained to plead with Queen Esther for his life.”

Ahashverosh in 8:1 gave Esther official power over the house of Haman, and Mordekhai was promoted because Esther had revealed their relationship. “That very day King Ahashverosh gave the property of Haman, the enemy of the Jews, to Queen Esther. Mordekhai presented himself to the king, for Esther had revealed how he was related to her.” Mordekhai, here, is introduced to the king as her relative, in contrast with the beginning of the *Megillah* where Esther was introduced to us through Mordekhai.

Although Mordekhai now wears the king’s ring, he still takes orders from Esther. In 8:2 we read: “The king slipped off his ring, which he had taken back from Haman, and gave it to Mordekhai, and Esther put Mordekhai in charge of Haman’s property.”

Esther 2 understood that dealing with Haman was not enough, and

she acts further. Esther approaches the king once more to request the annulment of Haman's plan. As before, she needs no encouragement from Mordekhai to take action. Her position in the hierarchy of the palace is such that she feels free to approach the king even without being called. What is more, when speaking to the king, she takes the liberty of offering her own advice on how to go about cancelling the evil decrees. In 8:5 we read: "If it please Your Majesty . . . let dispatches be written countermanding those which were written by Haman."

Interestingly enough, we learn from verse 8:7, through Ahashverosh's response, that Mordekhai had been standing with Esther before the king. But the author of the *Megillah* did not think that his presence was of great importance. Mordekhai stands in the shadow of Esther 2.

The next conversation between Esther and Ahashverosh indicates a significant change in her status and in the relationship between them. After the *Megillah* records at length the battle and the victory of the Jews (the first ten verses of chapter nine), the author turns to focus on the happenings of the palace. Thus, 9:11 reads as follows: "When the number of those slain in the fortress Shushan was reported on that same day to the king, the king said to Queen Esther . . ." Was she at his side all the time? Did he send for her? At any rate, she does not need to be granted permission to join his company.

The king turns to her with a strange question. "In the fortress of Shushan, alone, the Jews have killed a total of five hundred men, as well as the ten sons of Haman. What then must they have done in the provinces of the realm! What is your wish now? It shall be granted you. And what else is your request? It shall be fulfilled." Ahashverosh apparently felt that the queen was not yet completely satisfied. Indeed, he almost begs her to tell him what else she wants done. When she finally reveals her request, she speaks in a more authoritative tone than before. Earlier, in 8:3, 4, the author records the following: "Esther spoke to the king again, falling at his feet and weeping, and beseeching him to avert the evil plotted by Haman the Agagite against the Jews. The king extended the golden scepter to Esther, and Esther arose and stood before the king." The language she used indicates their relationship: "If it please Your Majesty, and if I have won your favor and the proposal seems right to Your Majesty, and if I am pleasing to you . . ." In 9:13 she simply says: "If it please Your Majesty . . ."

As opposed to Esther 1's ignorance of political events, Esther 2 understands that the Jews of Shushan will need an extra day of fighting, and that the sons of Haman must be eliminated. And so she requests this and it is immediately granted.

Both Esther and Mordekhai were active in recording and institutionalizing the events: Esther, however, was the main motivator, as suggested by the use of the feminine singular form of the verb in 9:29, *vatikhrov*, ("and she wrote"), when referring to both her and Mordekhai. Verse 9:32

attests to the same point: “And Esther’s ordinance validating these observances of Purim was recorded in a scroll.”

The story of Esther is the story of many women. Esther needed a severe jolt to snap her out of the conventions of her upbringing. This jolt may come from within, or from society itself (in our case — Mordekhai), which makes conflicting demands on women. As in the case of our story, society, too, raises women with certain expectations and then is surprised when they cannot fulfill other adult roles. The author of the *Megillah* clearly puts forth the argument that it is not only she as an individual — but society as a whole — who prospered from the irreversible change that Esther underwent. It is interesting to note that she was able to transform so thoroughly in so short a time — which proves that Esther 2 had really been present in potential.

Yet, Esther need not be seen only as a “woman.” She was a person who underwent a change in personality, allowing certain latent characteristics to appear. Anyone, regardless of gender, who has found or is still seeking to discover their specific capabilities, their special role in life and the contribution that they can make to the community around them, can identify with Esther. Esther can, and should be, a role model for any reader, not only for female readers. Just as the traditional male heroes are not necessarily seen as males, but as great “people,” by the same token, female heroines ought to be presented and understood as “people” who are also “women.”

A study of how the rabbis in the midrash dealt with Esther’s character is no less important, and for our purposes perhaps more so than the *Megillah* itself. Midrash often takes the liberty of portraying personalities in quite a different manner than is found in Scripture. Among others, David’s character was altered from “bloodshedder” to “poet;” Jacob the deceiver became the image of truth.

In our case, two Esthers exist in the *Megillah*, and either choice by the midrash would have been valid. In view of the image of Esther portrayed at the beginning of the *Megillah*, we would easily have accepted a midrash explaining away her new image and attributing all initiative to Mordekhai. Allowing one’s imagination free reign, an imaginary midrash might read as follows: “So Mordekhai went about (Hebrew, *vaya’avor*) and did just as Esther had commanded him (4:17); what is the meaning of *vaya’avor*? It was taught that Mordekhai went before her (Hebrew, *avar lefaneha*) in her dream. For Esther did nothing and said nothing before being instructed to do so by Mordekhai.”

Such a midrash would obviously have eliminated Esther 2, and critics would have had to say: “The rabbis were bothered by the assertiveness of Esther 2 and explained it all as a continuation of her obedience.” But no! Close perusal of the midrash suggests that its authors were quite happy with Esther’s new image.

The Talmud says (*Megillah* 15 a) that the holy spirit accompanied her as she went to see Ahashverosh.

Now it came to pass on the third day that Esther put on royalty. Surely it should say royal apparel. Rabbi Elazar said in the name of Rabbi Hanina: "This tells us that the holy spirit clothed her."

The rabbis in this midrash have credited Esther 2 with being at the level of those who received *ruah hakodesh*. The rabbis' claim here is that she has been ordained from above and given approval for all the actions she will take in the future. Interestingly, the rabbis clothe her with the holy spirit only three verses after I claim that she was "snapped out" of her initial character, which correlates perfectly with this analysis. In 4:15, 16, she commands Mordekhai to gather the Jews and pray for her. In 4:17 he carries out her orders, and in 5:1 she sets out to see the king. With her first assertive action the rabbis gave their approval. However, as interesting as the midrash might be, there is nothing unique about it. Although infrequently, our tradition does take account of women prophets.¹

A most extraordinary midrash is recorded in the Talmud² which reads as follows:

Esther sent to the Wise Men saying "Commemorate me for future generations." They replied, "You will incite the ill will of the nations against us." She sent back the reply, "I am already recorded in the chronicles of the kings of Media and Persia." Rab and Rabbi Hanina and Rabbi Yohanan and Rabbi Habiba record: Esther sent to the Wise Men, saying, "Write an account of me for posterity." They sent back an answer (and refused) until they found a verse written in the Torah (Ex.17:14).

Both traditions attest to the fact that Esther sent word to the elders of the Jewish community and demanded to be commemorated or recorded for future generations. The elders were reluctant to do so. One concern was that her story might arouse the hatred of the nations. Esther argues back, telling them that she is already recorded in general history. The second concern was to find a Biblical — that is, a Divine — source teaching that they must record her story. They overcame that by rabbinic exegesis on the verse regarding the Divine command to record the story of Israel's historical enemy, Amalek (from whom, Haman had descended): "Write down this history as an [eternal] memorial in the book . . ."

The image of Esther demanding to be recorded and arguing with the rabbis on this matter is quite fascinating. She is portrayed not only as the savior of her people, but also as the one responsible for the celebration of the event by all future generations. The elders, in this midrash, are portrayed as weak — afraid of what the nations will think, or as ignorant of the Torah — struggling to find the proper source for what was later accepted as the right thing to do.

Another midrash recorded in the Talmud along these lines reads:

"Fast for me and neither eat nor drink three days." The three days appointed for fasting were the 13th, 14th, and 15th of Nissan. Mordekhai sent

back word complaining that these days included the first day of Passover, to which she replied: “Jewish elder! Without an Israel, why should there be a Passover?” Mordekhai understood and replaced the Passover festivity with a fast (*Esther Rabba* 8:6).

In this midrash, the three day fast which Esther demanded fell on Pesah. Esther must have known this and must have been very confident of her Divine task to demand that the Jews fast on the Seder night. Even after being challenged by Mordekhai on a halakhic basis, Esther held her ground and came up with an excellent response, explaining to him that if the Jews did not desecrate this Pesah, they might not live to observe another. The midrash either understood her to base her instructions on the ruling: “They have made void the law because it was a time to work for the Lord” (Mishnah *Berakhot* 9:5), or on the ruling “Desecrate . . . one *Shabbat* so that he can keep many *Shabbatot*” (B. *Yoma* 85 b). Mordekhai, when hearing this argument, accepted her instructions.

Picture this fantastic situation as portrayed by the midrash: In the great city of Shushan, all Jews were commanded *not* to perform the Seder ceremony; *not* to drink wine, *not* to eat *mazah*, etc., but rather to fast and pray for Esther, who will soon save the people.

What amazing courage and authority have the rabbis attributed to Esther in these two *midrashim*! The *Megillah* portrayed her as an outstanding political figure and communal savior. The rabbis went even further and attributed to her the characteristics which were important in their eyes. They portrayed her as an halakhic authority. Although she was not one of the elders — as was Mordekhai, according to the midrash — she argues with them and they accept her rulings.

Esther’s image, as portrayed by the authors of the *Megillah* and the midrash, can be of great inspiration to those who are dissatisfied with the feminine role models which exist in the Jewish tradition. The case of Esther is only one example of existing traditions which must be studied and pursued if we believe and expect Judaism to continue being a “living” religion for all its followers — men and women!

NOTES

1. See B. *Megillah* 14 a.
2. B. *Megillah* 7 a.

The Creation of Adam as Hermaphrodite — and its Implications for Feminist Theology.

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WHEN WESTERN FEMINISTS TRIED TO SHAPE their theological credo into a unified logical corpus and mould it on the Bible, they felt alienated. The main reason for their difficulty is the way in which women are depicted in the Bible. However, when one deals with the Biblical text, one must make a distinction between Biblical records dealing with historical affairs, and Divine Theology. As long as the text deals with the events of a particular period in history, one can associate oneself with or distance oneself from the story without any feeling of alienation from the Religious Spirit; i.e., if one does not approve of certain actions of King David, one does not necessarily have to feel alienated from God or Judaism.

The portrayal of women in the various books of the Bible differs as greatly as humans can differ. In most cases they are portrayed in a more positive way than are their male counterparts. Very few feminine characters are evil (e.g., Jezebel and Athalya), as opposed to an abundance of male evil-doers. Even if an account of a particular female protagonist in the Bible may not appeal to women readers, it can be read as an individual account of a particular episode in a specific era.

Feminist theologians, therefore, should have no qualms about the behaviour of Biblical heroines, including prophetesses, as they represent individuals in history. However, this method of understanding the Biblical text cannot be applied to the creation account, as this is the record of a direct intervention made by the Divine Power *ex nihilo*, setting the eternal order of the Universe. God initiates an act out of His Divine Will, not as a reaction to, or in the context of, world events; He acts personally; and He puts his direct mark on the events, as in the primeval history in Genesis 1-2. As long as Eve was the passive creation of God, she would embody the physical attributes and expectations which the Divine would have had of all women, as she would have been in God's total control. Only after she had assumed her own existence, would she no longer represent God's plans for her but her own individuality, as an expression of her free will.

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Therefore, any principle of theology which strives to understand the Divine expectation of the world, and the understanding of the place of the human being in a meaningful religious universe, should be drawn from the direct actions of the Divine as recorded in the Creation Epic in Genesis 1-2.

Creation Epic — Genesis 1-2

It is apparent that there are two main accounts of the creation. The first one is to be found in Genesis 1:1-2:3, and will be called Narrative A. The second one is to be found in Genesis 2:4-2:25 — Narrative B. In addition to the variety of styles, overlapping themes and numerous factual differences, even the reader who has not heard of the Documentary Hypothesis will have noticed the different uses of the names of God (YHWH, *Elokim*) and the two apparently different theologies. However, ancient Semitic writings did not necessarily have to refrain from duplicating themes — sometimes they engaged in detailed elaboration, often with variation. Repetition was consonant with the stylistic principles of ancient poetics. They might have been conceived with a unity which eludes us,¹ and, however foreign it is to our concept of literary texts, it is we who must come to terms with the existing complex unity.² It is easier for Jewish readers to accept the Bible as a unitary document, as this is the central element of the heritage of mainstream Judaism (though it evolves from a religious sentiment rather than from a literary one), and this attitude is instilled in them from their earlier experiences of reading the text.

Feminist theologians, who deal with the parallel accounts of the creation in Genesis, will have to deal with two aspects concerning this Epic as it appears in Genesis 1-2:

- 1) How does each of the two existing creation narratives portray the woman?
- 2) What concept or idea did the Bible try to convey and how did it derive this idea?

The First Aspect: The Portrayal of the Woman

Reading the Biblical creation story, as two narratives existing side by side, feminists should not feel alienated:

- 1) Narrative A clearly states the equality of the two sexes: "A male and a female created He them" (Gen 1:27).
- 2) Narrative B states that the solitude of the first created human was unsatisfactory and he needed an *ezer kenegdo* — a compatible partner (assistant and/or protector at his own level), and therefore God put him to sleep and removed one *side* of his body to establish each sex as an independent entity, who in turn provided company for the other. This attitude of total equality is reinforced in the record of Adam's line. Gen 5:1-2 states:

"...when God created man, He made him in the likeness of God; male and female He created them, and called them humans."

The Second Aspect: The Idea Which the Bible Tries to Convey.

While some scholars trace the origins of the two narratives in Genesis 1-2 to poetic traditions in antiquity which were forged into a supporting unified basic tradition³ (even some Jewish orthodox scholars accept this),⁴ asserting and tracing the original sources of Biblical passages is not the purpose of this paper. The final form — the unitary document — is used as it appears in Genesis 1-2. The Torah contains the two creation narratives side by side because each of them represents a different perspective of the creation, and both versions are of value to the People of The Book.⁵

Understanding the motivation behind the writing of both creation stories presents no difficulty for feminist theologians, as both narratives do not reveal any inequality between the sexes whatsoever. Yet, feminist readers feel enraged on reading the creation epic because, when they read the Bible in translation, the choice of the words describing the creation of the first woman perpetuates a denigration of the female image:

- a. The feminine part taken from Adam is not translated as a "side," but rather as a (small) "rib."
- b. The Woman is no longer described as a "compatible partner," but rather as a "helpmate."

The idea that God took a rib out of the first human and formed it into a woman is a reading error which, unfortunately, is repeated in all translations. A check in any Biblical Lexicon will reveal that the word *zela* means a component, or, more often, a side-wall, or simply a side, as in: *a side-wall of the Temple* in Ezekiel 41; Exodus 25, 26; 1 Kings 6:5; etc.; similarly, *the mountain side* in 2 Samuel 16:13; *wood panel of certain trees* in 1 Kings 6; etc., and, in our case, *one side of the first human being*.

The meaning of the Hebrew words, *ezer kenegdo*, in any Biblical Lexicon emphasizes the protective aspect, as in: "My *ezer* is from the Lord," Psalms 121:2, or "...for the God of my father ... was my *ezer*," Exodus 18:4, etc.; and *kenegdo* emphasizes twice the equality: firstly — in the preposition *ke* — which is an abbreviated form of the Hebrew word *kemo*, "the same as," and secondly — in the word *negdo* — which means corresponding, equal and adequate to him.

Examining what Jewish scholars and students of the Bible have had to say about this story is, of course, of importance: The earliest insight comes from the midrashic *Targum Yonatan*, which says that the *zela* from which the woman was created was the 13th rib on the right side.

Philo (who lived in Alexandra in the 1st century C.E., and was

greatly influenced by Plato), sees Adam in the two creation narratives as an allegory of the ideal man, who initially possessed a pure soul, but was later augmented by earthly materials and senses represented by the woman. Rabbi Jeremiah son of Elazar Hatanai (i.e., the Mishnaic scholar) in *Bereshit Rabbah* (8:1) said that “Adam was created as androgynous.” And Rabbi Samuel Son of Nahman added (there) that “when God created the first human, he gave him two faces, connected back to back,” and the two sexes were separated in order to enable them to face one another and to relieve their loneliness.

Rashi, the great medieval exegete, accepts the androgynous (or hermaphrodite) view, while Nahmanides (13th century), accepts the “rib” view. Abraham ibn Ezra, the linguist and Biblical commentator (in the Golden Era in Spain), avoids the issue, saying only that: “becoming one flesh” is written in the past tense (*vihayu*), to emphasize about every union between man and woman: “Let them be as Adam and Eve once were.” Similarly, Rabbi Jacob the son of Asher, author of the law code, the *Tur* (14th century), says that “they should be of one flesh as they were at the beginning of creation.” Both scholars use the idiom, “one flesh,” which may mean that the woman was taken out from a rib or side. Isaac Abravanel (the 15th century commentator, a refugee from the Spanish persecutions), reads it literally. He writes that, when man was created, he had an additional “side” that was not vital for the functioning of his own body, which God turned into the woman.⁶

The 19th century commentator, Rabbi Samson Raphael Hirsch, referring to Genesis 1:27, says that “Only the two sexes together form the complete [human] conception.” Woman must join in man’s efforts for her direction and sphere in life . . . Man chooses his own profession; the woman receives it in joining her husband. Referring to Genesis 2:21, Rabbi Hirsch says that God formed (later) one side (not rib) of man into woman. Man was divided from one individual into two “and thereby the complete equality of women was forever attested.”

Rabbi Joseph B. Soloveitchik sees the two stories as two views of man, each a part of his character and mission: one is man, the passive, religious personality; the other is man the active, creative personality.⁷

Umberto Cassuto, an observant Jew, who was an academic Biblical scholar, cites⁸ the hermaphrodite theory, quoting B. *Berakhot* 61a; B. *Eruvin* 18a; and *Genesis Rabbah* 8:1, which is based on “Legends in the Ancient World.” But he relies on “. . . He created them” (Gen 1:27), in the plural form, for the correct interpretation. His explanation for the existence of the two versions is that the first account, Narrative A, is to place man and woman in the broad context of the sequence of created beings without telling us whether they were created simultaneously or successively. In Narrative B, we learn that it was successive, with woman being formed from man’s rib. However, Cassuto sees the

rib story as an allegory, to emphasize the qualities of what he conceives as a good wife: to stand at man's side and be a "helper-counterpart."

Modern linguists also dwelt on the problem, and came up with a similar concept of Adam as being bisexual,⁹ though some have suggested that the text be corrected in order to suit their theory, which is unacceptable.¹⁰

Facts Underlying the Rationalization of These Ideas

The hermaphrodite theory: When one reads the Bible literally, and accepts the text as a unitary document, Narrative B — which follows Narrative A — seems to be a recapitulation of details of the earlier narrative. Therefore, the sexual duality, of which one is informed in Narrative B, seems to have existed from the beginning of the process. This indicates that the first human being was bi-sexual, i.e., a hermaphrodite.

The Rib theory: The word *zela* does not exist in the Biblical vocabulary with the meaning of "rib." This understanding, and therefore the idea that Eve was created out of Adam's rib, could have been suggested by a superficial reading of the following verse: "This one, at last, is bone of my bones" (Genesis 2:23a), because a rib is a bone.¹¹ However, this verse (Gen. 2:23b) continues: "and flesh of my flesh..." However, "bone of my bones" and "flesh of my flesh" is a poetic way to describe the woman as a very real physical part of the original whole, as in the other six occasions in the Bible, when this idiom is used, each of which describes blood ties and close kinship.¹² The word "bone" in verse 23 cannot be accepted as a physical bone and cannot support the idea of "a rib" because then, the idiom "flesh of my flesh" should also be read in a physical way, in which case there is a support for the idea of a component, a side of a body: flesh and bones together.

The Allegorical explanations: These come from philosophers whose religious commitment clashed with their philosophical concept of the world, i.e., accepting the Biblical text as a unitary document written by the Divine makes them uneasy about criticizing disturbing details like: why there should be two creation narratives or why there are factual inconsistencies.

The Implications for Feminist Theology

Feminist theologians must distinguish between the core and the periphery. Their theological credo must be shaped in terms of the Bible, which is the core, and not necessarily within the traditional outlook as represented by the different commentators, which form the periphery. The Biblical primeval history includes two narratives of the creation of the world in general and the creation of man in particular. When read separately, each of the accounts maintains the equality of the sexes. Narrative B actually propounds the importance of the woman to the

well being of man, thereby accentuating the ties between the sexes as superseding any other relationship. When Narrative B is read as a recapitulation of Narrative A, it establishes that the female element is a full component of the original whole which was created by the Divine. As for the commentaries: Any commentary is a subjective expression of the person who conceives it, and of the way in which he (or she) personally reads the Bible. These commentaries are but reflections of the intellectual output of the individual writer, his cultural background together with contemporary social attitudes. Therefore, they should not influence any theological credo, but should rather be studied as evidence for the historical evolution of Biblical study, and as examples of the developmental process in the field of Biblical interpretation.

Unfortunately, the Biblical account of creation, which should promote equality between the sexes, has been misinterpreted by societies in which women were subservient to men. The wish to perpetuate women's inferiority, by ascribing it to the Divine, led to the erroneous translation of the word *zela*, which means a side, with its significance of equality, turning it into the less important "rib," indicating inferior status. Continuing to teach the creation of woman as being from a rib is an attempt to perpetuate the lesser importance of women.

There has been a shift in the present world away from prejudicial stereotypes towards ideas of non-racist, non-sexist equality. Words convey ideas and ideas influence attitudes. It is hoped that future translators of the Bible will be more careful in general, and that they will stop translating the story of the Divine creation of the first woman as being out of man's rib, in particular.

NOTES

1. Isaac Kikawada and Arthur Quinn, *Before Abraham Was* (Nashville: Abingdon Press, 1987), pp. 17-36.
2. Gerhard von Rad, *Genesis*, John H. Marks, tr. (London: SCM Press, 1966), p. 72; Kikawada and Quinn, *Op. cit.*, pp. 9-36.
3. Rad, *Op. cit.*, p. 22.
4. Umberto Cassuto, *A Commentary on the Book of Genesis*, Part 1, Israel Abrahams, tr. (Jerusalem: Magnes Press, 1961), pp. 72-3.
5. *Ibid.*, pp. 72-73.
6. As cited in *Genesis* (Artscroll edition).
7. J.B. Soloveitchik, *Man of Faith in the Modern World* (Vol. II), adapted from lectures by Abraham R. Besdin (Hoboken: Ktav, 1989), pp. 38-48; see also his "The Lonely Man of Faith," *Tradition*, Summer, 1965.
8. Cassuto, *Op. cit.*, pp. 57-58, 89-90, 132.
9. Friedrich Schwally, "Die biblischen Schöpfungsberichte" in *Archiv für Religionswissenschaft*, Vol. IX (1906), pp. 159-175.
10. Schwally, for example, tried to change the text in order to fit his theory (*Ibid.*, p. 170).
11. Cassuto, *Op. cit.*, p. 134. See also the commentary of Abarbanel, *ad loc.*
12. Genesis 29:14; Judges 9:2; 2 Samuel 5:1 and 19:13,14; 1 Chronicles 11:1.

What's Right With Women and Zimmun

ARI Z. ZIVOTOFSKY and NAOMI T.S. ZIVOTOFSKY

Introduction

IN RECENT YEARS, THERE HAS ARISEN CONSIDERABLE halakhically based controversy over women's participation in certain areas of Jewish life. These include women's prayer groups, women's advanced Torah study, and women's reading of the Torah. One area which involves little actual halakhic controversy in terms of permission to participate, is women's *zimmun* (the introductory invitation preceding Grace after Meals). Nevertheless, it is not widely practiced by women.¹ This summary article will attempt to elucidate some of the issues of *zimmun* and women. It will include an elaboration on those areas in which there is no controversy, such as the permissibility of women forming their own *zimmun*, as well as some discussion of the debated issues, such as women and men forming a joint *zimmun*. Some laws and concepts of *zimmun*, as they relate to women, will be discussed, then the relevant Talmudic sources will be cited. This will lead to a discussion of the medieval commentators' understanding of these sources, followed by the contemporary discussions and, finally, the contemporary halakhic view.

Zimmun

The first mishnah in the seventh chapter of *Brakhot* states: "Three who ate as one [together] are obligated² in *zimmun*." The definition of what this *zimmun* entails is presented in the third mishnah:

What is the formula for *zimmun*? If there are three, he [the leader] says: "Let us bless [for the food which we have eaten]." If there are three besides himself, he says: "Bless." If there are ten, he says: "Let us bless our God." . . . If there are a hundred, he says: "Let us bless the Lord our God." . . . If there are a thousand he says: "Let us bless the Lord our God, the God of Israel." . . . If there are ten thousand. . . .

These introductory blessings said before the Grace are clearly an old formulation, for they do not contain the standard formula for a blessing, which developed in the middle of the Talmudic period. In addition, it is unusual for the text of a blessing to depend on the size of the crowd. Normative halakhah is not quite like this section of the mishnah. Rather, we only have two texts, one for three to nine people and the other for ten or more. The one for ten or more includes a mention of God's name,

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while the other does not. Despite these oddities of the *zimmun* formula, it is nonetheless treated as comprising real, legitimate blessings.³

In explaining these *mishnayot*, the Talmud brings numerous textual sources for the obligation of *zimmun*.⁴ Nonetheless, there is a debate among the commentators whether *zimmun* is of Biblical⁵ or rabbinic origin.⁶ There is even an opinion which suggests that a *zimmun* of three people is rabbinic, while a *zimmun* of ten is Biblical.⁷

The preferred format for *zimmun*, as stated by the *rishonim* (rabbinic scholars of the 11th-15th century), is that one person, the leader, invites everyone to participate in the Grace, and then he/she recites the entire Grace out loud. The others remain quiet and fulfill their obligation by listening to the leader and responding “*amen*.”⁸ Because it is difficult to concentrate on the entire Grace while someone else says it, the custom has arisen for everyone to say the full Grace quietly by himself, while attempting to hear at least the first blessing recited aloud by the leader.⁹ The current practice, however, does not negate the essence of the *zimmun*, that one person fulfills the obligation of Grace for all the rest. Thus, in most situations where one cannot legally accomplish this objective for others in the group, that group may not form a *zimmun* together.¹⁰ At the very least, the one who cannot fulfill the obligation of the others cannot be the leader. This may have important ramifications for women participating in or leading *zimmun*, as men and women may have different levels of obligation in saying the Grace (although women certainly have an obligation to say Grace, as stated explicitly in mishnah *Brakhot* 3:3¹¹).

If *zimmun* is such a nice idea, a communal invitation to say Grace and praise God, then why should there ever be any hesitation? Let a group of any size or gender say *zimmun*! This question is even more pronounced when it is realized that, originally, the *zimmun* invitation was a single statement and response which, for fewer than ten people, did not contain any reference to God's name.¹² This issue is discussed by the commentators in the context of the Talmud's discussion (*Brakhot* 45a) of whether two men can say *zimmun*.¹³ Two possible reasons are suggested by the commentators why a *zimmun* of two might be problematic. First, although the *zimmun* formula for fewer than ten people is not a *davar she-b'kedusha* (a liturgy or “matter” of holiness), it may be considered *k'ein davar she-b'kedusha* — like such a ritual, which has certain minimal requirements,¹⁴ such as at least three individuals. Second, it may simply be a problem of appearance; it looks like one is adding to the prescribed blessing — two are obligated to start the Grace from the blessing *after* the *zimmun* invitation.¹⁵ In either case, *zimmun* is treated as a real blessing.¹⁶

Talmudic Sources

There are two significant Babylonian Talmudic sources that address women's participation in *zimmun* — the seventh chapter of *Brakhot*, ex-

panding on the *mishnayot* quoted above, and the very beginning of *Arukhin*.

The seventh chapter of *Brakhot* is devoted principally to a discussion of the laws of *zimmun* and Grace. The first mishnah, which defines who may and may not participate in a *zimmun*, states:

Three who ate as one [together] are obligated in *zimmun* . . . women, [non-Jewish] slaves, and minors “may not have *zimmun* said over them” [*ayn mezamnin aleyhem*].

This ambiguously formulated mishnah does not give us much detail about a woman's status within the framework of *zimmun*, but it does indicate that women, slaves and minors are in a different category than are free adult males, a category characterized as *ayn mezamnin aleyhem*.

The ensuing discussion in the Talmud forces one to reconsider use of this mishnah in actually determining halakhah. With respect to a minor, the Talmud is explicit: On *Ber.* 47b and 48a, the Talmud, using our mishnah as a springboard, discusses the participation of a minor in *zimmun* and concludes: “. . . and the law is not like any of these sayings [including the mishnah¹⁷]. Rather, as Rav Nahman says, a minor who knows to Whom we say Grace, may participate in a *zimmun*.”¹⁸

In light of this explicit rejection of the mishnah with respect to a minor, it is important to carefully analyze what the Talmud has to say with regard to a woman. On *Ber.* 45b, the Talmud records another tannaitic source, a *braita*, which states:

Women form a *zimmun* amongst themselves, slaves form a *zimmun* amongst themselves, but women, slaves and minors, even if they want to form a *zimmun*, may not.

In discussing this *braita*, the Talmud indicates that it seems odd that women or slaves should be able to make their own *zimmun*. After all, for many other “countings,” women and slaves do not count even amongst themselves. Furthermore, the mishnah explicitly placed them in a separate category from free adult males with respect to *zimmun*. In response to this, the Talmud tells us that what is important here is that there should be at least three independent, intelligent beings capable of praising God, in which case three women certainly qualify (*ika de'ot*). If so, continues the Talmud, what about the end of the *braita* where it states that women and slaves may not join together? The response is that such a union may lead to immorality¹⁹ and is therefore outlawed.²⁰

The second significant Talmudic source is a short piece on the top of 3a in *Arukhin*. The Talmud is discussing a series of laws found in a *braita*, all of which begin with the phrase: “All are obligated in . . .” In each case the Talmud is trying to understand what additional class is included due to the word “all.” In this list is included: “All are obligated in *zimmun*” and “All can be included in *zimmun*.” The Talmud discusses these two statements in the following way:

“All are obligated in *zimmun*.” [All] comes to include what? To include women and slaves, as we learned [in the same *braita* quoted in *Brakhot*]: women form a *zimmun* amongst themselves, and slaves form a *zimmun* amongst themselves. “All can be included in *zimmun*.” [All] comes to include what? To include a minor who knows to Whom we bless.

This discussion supports a woman’s obligation in *zimmun*, possibly on the same level as men.

It seems clear that minors are not obligated in *zimmun* (just as they are not yet obligated in other *mizvot*). It is equally clear that even though they have no obligation, they may be included in the quorum (*minyan*) needed for *zimmun*. Needless to say, this has obvious implications with respect to the issue of joint quorums where all members may not be obligated at the same level, e.g., a joint *zimmun* of men and women.

Due to the ambiguity of the Talmudic sources and to the discussion of the sources that has ensued since then, it is imperative to next analyze the writings of the *rishonim* (scholars from the 11th to the 15th century) and *ahronim* (scholars since that time) to arrive at any conclusions. The issues will be broadly divided into the topics of joint *zimmuns* and separate women’s *zimmuns*, and will be addressed in that order.

Joint Zimmun

The source in *Arukhin* seems to most authorities clearly to reject free men and women joining to form a *zimmun*, i.e., two women and one man. Since the Talmud quotes two separate statements, “All are obligated in *zimmun*” and “All are included in *zimmun*,” it is evident that the two issues are not synonymous, which is to say, one needn’t be obligated to be included, and one might be obligated, yet not included. Thus, being included in one category might not guarantee inclusion in the other category. The assumption is then made that, as opposed to a “minor who knows to Whom we bless,” women and slaves are not included in the second category, that of inclusion in a *zimmun*, and, as such, two women and a man may not form a *zimmun*.

Even if this approach, of prohibiting joint *zimmun*, is followed, as it is by the vast majority of authorities, it still leaves the problem that there is no Talmudic reason given for the ban on such a *zimmun*. Rashi²¹ posits that it is based on their different status in the Grace, but not in the *zimmun per se*. In the Grace, circumcision is mentioned, in which women do not personally participate, and inheritance of the land is mentioned, in which slaves do not participate. Thus, since the men have an aspect in the Grace that is not applicable to women or slaves, men cannot join with them in the *zimmun*. The *Shulḥah Arukh*, O.H. 199:6 states as halakhah that a mixed *zimmun* is prohibited, but provides no reason. The *Mishnah Brurah*, rather than quoting Rashi’s reason, provides two new rationales. First, he states that women are not obligated in *zimmun* as men²² are, and, additionally, a unit which owes its halakhic status to a union of men and women

is not proper (*ayn havuratan na'eh*),²³ even if it consists of a husband, wife and children. The *Raivad* gives yet another possible reason, that women are not *b'nei k'viut* — possibly meaning that, together with men, women cannot establish a permanence.²⁴

An opposite, equally logical, approach to the passage in *Arukhin* could be taken, in which the reasoning of the second statement of the *Gemara* would be: “All can be included in *zimmun*,” Whom does this “All” come to include? Certainly not women and slaves, because that is obvious; women and slaves are mentioned above as obligated, so they are surely included. Rather, you might have thought that since minors have no obligation they cannot count towards the three or ten, therefore the “All” comes to include a minor as being eligible to be included. And since we have a *braita* that explicitly includes minors, who are not obligated, certainly women, who are obligated, may be included in the *zimmun*.

There is a minority dissenting opinion in this issue, which, while not presenting this exact logic, reaches similar conclusions. The *Tur* (O.H. 199) quotes Rav Yehudah Hacoen as stating that a *zimmun* of women and men is permitted.²⁵ The *Sha'ar ha'Ziyun* (199:3) quotes an anonymous scholar who used to form a *zimmun* together with his daughter and son-in-law; and the *Mordekhai*²⁶ states that R. Simḥah of Speyer (13th century) used to include women in the *zimmun* of three and ten. This opinion, however, is rejected by the vast majority of authorities, including all later codifiers (*aḥronim*), i.e. scholars since the 16th century.²⁷

This discussion has focused primarily on a joint *zimmun* of three. The issue of forming a joint *zimmun* of ten (which may have different halakhic parameters than other groups of ten, i.e., *minyān*²⁸) is also discussed in the sources. In the general case of counting men and women together for a *zimmun* of ten, as well as in the specific case of nine men and at least one woman, there is a minority opinion²⁹ that would permit a *zimmun* with God's name. The vast majority of authorities (primarily *aḥronim*), however, do not agree.³⁰

Women's Zimmun of Three

Up to this point the contested issue of whether women may join with men to form a *zimmun* has been discussed. In the next topic, that of a separate women's *zimmun*, the question is not whether women *may* form a *zimmun*, but rather, whether they *must*. That is, is the separate women's *zimmun* an *obligation* or an *opportunity*. In addition, this will lead to the question of whether women acquire an obligation when in the presence of a men's *zimmun*.

In formulating an opinion on a separate women's *zimmun*, the commentators were faced with three apparently divergent sources. The *braita* in *Brakhot* seems to indicate a permission: If women choose to, they may form their own *zimmun*. The Talmud in *Arukhin* appears to indicate an

obligation: women, like men, are obligated in forming a *zimmun* when presented with the opportunity.³¹ And last, the prevailing custom contemporary with each of the commentators, which is sometimes viewed as a “source,” was that women did not generally form a *zimmun*.

Three basic approaches were taken in order to harmonize the sources. *Tosafot*³² puts greater emphasis on the prevalent custom than on the Talmudic sources. Based on that, *Tosafot* easily interprets the Talmud in *Brakhot* to be saying that *zimmun* for women is only optional,³³ “and our women have opted not to do it.” With a little effort, *Tosafot* then interprets the Talmud in *Arukhin* to also be speaking of an optional obligation rather than a true obligation.

A second approach, adopted by the *Beit Yosef*³⁴ in the name of the *Smag*,³⁵ tries to give equal weight to the two Talmudic sources. They interpret the reference to an obligation in *Arukhin* to be referring to an occasion when an obligation exists within the group. That is, if women are eating with three or more men, then the women acquire the same obligation in *zimmun*. Thus, a woman would not be permitted to break off and say Grace on her own, independent of the *zimmun*. If, however, three or more women are eating with fewer than three men, then we turn to the *braita* in *Brakhot* which tells us, according to this interpretation, that they are permitted, but not obligated, to form a *zimmun*.

The third approach puts the greatest weight on the *Arukhin* source. The *Rosh* (R. Asher ben Yehiel, circa 1250-1327),³⁶ after noting the other options and expressing surprise at the custom that women do not usually form a *zimmun*, says that he sees no way to interpret the sources except to say that women do have an actual obligation to form a *zimmun* when three eat together.³⁷ After all, he says, why should they not be on equal footing with men in this obligation, as there is no reason to exclude them? The *Rokeah* (R. Eleazar ben Judah of Worms, circa 1165-1235), one of the earliest codifiers, also states that women are obligated in *zimmun*.³⁸ This is the approach accepted by the Vilna Gaon,³⁹ who says that there is an absolute obligation for women to form a *zimmun* when three or more eat together.

In the first two approaches, three women eating together not in the presence of three men are not under an obligation to form a *zimmun*, as men would be. The obvious question is the one which the *Rosh* raised, and that is: Why not? Why should they not be under the same obligation?

A variety of possible answers have been offered, each with its own ramifications.⁴⁰ The *Bah*⁴¹ postulates that it relates back to the essence of *zimmun*, of the leader's recitation of Grace fulfilling the obligation for others. Since, he states, from the time of the Talmud through contemporary codifiers,⁴² there has been a doubt about whether women have the same level of obligation as men in Grace, it would not be plausible to count them in the same *zimmun* as men, and this was extended to not obligate them in *zimmun* at all.⁴³

The *Hafez Hayyim* postulates two other reasons. In the *Mishnah Brurah*⁴⁴ he says that the rabbis did not wish to impose on women the obligation of *zimmun* when they are by themselves, because women were usually not experts in *zimmun*. The rabbis were trying to be lenient and not impose an obligation that women would have trouble fulfilling due to their lack of knowledge. In the *Sha'ar ha'Ziyun*,⁴⁵ he suggests that the exemption is tied in with an ancillary requirement of *zimmun*. It is preferable that all *zimmun* be said over a glass of wine,⁴⁶ and for women to use wine in a ritual is not proper.⁴⁷ The rabbis therefore did not impose the *zimmun* obligation on women when they are by themselves, and would *a priori* be the ones leading and using the wine.⁴⁸

Women's Zimmun of Ten

The discussion until this point has focused on the formation of a quorum of three women to say the basic *zimmun* formula. There is an additional level of *zimmun* which adds God's name to the basic formula. When the Talmud discusses *zimmun*, it seems that it is always referring back to *Brakhot* 7:3, which contains the entire *zimmun* "package," for three, ten, etc., individuals. This includes the rule that when ten or more men form a *zimmun* they add God's name to the *zimmun* formula. It might seem that whenever women's *zimmun* is discussed, the entire *zimmun* "package" is also included, and that a women's *zimmun* should follow all the same laws as the men's; if ten women form a *zimmun*, God's name should be added. Indeed, among the early authorities (*rishonim*, from the 11th to the 15th century), there is an opinion which permits women to include God's name in a *zimmun* of ten. Such an opinion is cited by the *Meiri*, *Sefer Me'orot* and *Shiltei ha-Gibborim*,⁴⁹ and is held by *Rabbenu Tam*.

All of the later codifiers (*ahronim*) reject this opinion and rule that a women's *zimmun*, no matter the size, says *zimmun* without God's name.⁵⁰ Maimonides seems to be the first to have raised this issue, and it is his opinion, which is given without any source or reason, that is accepted by the later codifiers.⁵¹ Various reasons are advanced for this ruling, including the possibility that, with ten people, Grace with *zimmun* becomes a *davar shebikedusha* (acts or declarations of sanctification of the Holy One); women cannot form a "congregation;" or, women are not obligated (but only have the option) in *zimmun* and therefore cannot extend it to include God's name.⁵²

Practical Situations

Below will be presented various combinations of men and women (slaves will be left out of the picture) that can exist, and the halakhah as determined by the later codifiers (*ahronim*) in each scenario. For the most part it will be seen that it is the second approach discussed above, that *zimmun* is optional for women alone and mandatory if with a *zimmun* of men,

that has been accepted. A minority of codifiers accept the third approach, obligating women in *zimmun* in both cases, while the opinion of *Tosafot* is almost never accepted, although it is sometimes taken into consideration.

A) Ten or more men with any number of women — The existence of a *zimmun* of men obligates all eating there, men and women, in *zimmun*. Thus, the women also have an obligation to participate in *zimmun*.⁵³ Since the halakhah is that the women cannot form their own *zimmun* of ten to include God's name, the present *zimmun* (with the men) is on a higher level of requirement than any *zimmun* the women could form independently. The women would therefore be *required* to participate in the *zimmun* of the ten men.⁵⁴

B) Between three and ten men and any number of women — As in the above case, the women have an obligation to participate in *zimmun*.⁵⁵ However, unlike the previous case, in this instance, if there are three or more women, their *zimmun* is on par with the men's, who also will not include God's name. Hence, the women can break off and form their own *zimmun*.⁵⁶ The requirement is simply that all present at that meal participate in a *zimmun*.

C) Three or more women and fewer than three men — This is the essence of the debate regarding the interpretation of the primary sources. There is NO opinion that says that women *cannot* form their own *zimmun*. Rather, the *Shulhan Arukh* is of the opinion that three women *may optionally* form a *zimmun*, but are not required to,⁵⁷ and hence no mandatory *zimmun* exists in this situation. The Vilna Gaon, and a number of other significant authorities, rule that in this case the women have an *obligation* to form a *zimmun*. If these women do say Grace with *zimmun*, it is proper and appropriate for the men present to answer, even though they do not have an obligation in *zimmun* in this instance.⁵⁸

D) Fewer than three men and fewer than three women — No *zimmun* may be formed, even optionally.⁵⁹ This is true even if they are all members of the same family, such as father, mother and their children.⁶⁰

Two interesting cases which we have not found discussed, and which would both apply only to Sephardim because of their custom of including a minor in *zimmun*:

E) Two women, fewer than three men and a girl between the ages of six and twelve — Would the halakhah be the same as two men and a minor, in that an optional *zimmun* exists? It would seem to us that there is no reason why not.

F) Two men, three or more women and a boy between six and thirteen — There are two optional *zimmuns* here for Sephardim (Ashkenazim have only the women's, and this is case D). Do they have equal weight, since both may be defined as "optional"? Is one preferable to the other? Could or should they split?

Conclusion

Women have been included in the framework of *zimmun* from the Talmudic period. There are areas of dispute, but there are certain essentials which are universally agreed upon by the codifiers. Amongst those points are that: (1) If women participate in a meal where there is an obligation in *zimmun* for the men, the women fall under the same obligation to participate in a *zimmun*. (2) Women are permitted to form a *zimmun* on their own (at least when eating alone). Many authorities encourage that, while some think there is an *obligation* on women for *zimmun*.⁶¹ These points are critical in women fulfilling certain obligations that they have, and in widening avenues of communal Jewish self-expression that are openly endorsed by the halakhic authorities. We know of educational institutions and homes in the United States and Israel which encourage these practices. It is a goal of this paper to further knowledge of this topic, thus furthering the goal of Jewish education and practice. It is worth concluding with the words of the *Ben Ish Hai*:⁶² "It is proper for all people to instruct the women in the household to form a *zimmun* amongst themselves when they eat in a group of three."

NOTES

1. For additional references on this subject, see all or part of the following: David Aurbach, *Halikhot Baytah* (Hebrew) (Jerusalem: Aleph Bet, 1983), especially chap. 12; R. Matis Blum, *Torah Loda'as, Ha'azinu* 1992 (Hebrew); Elyakim G. Ellenson, *Between Woman and Her Creator* (Hebrew) (Jerusalem: World Zionist Organization, 1984), p. 77–82; David M. Feldman, "Woman's Role and Jewish Law," *Conservative Judaism and Jewish Law*, Seymour Siegel, ed. (N.Y.: Rabbinical Assembly, 1993), p. 302; Aryeh A. Frimer, "Women and Minyan," *Tradition* 23:4 (Summer 1988), especially pp. 59–62; Rav Yizhak Ya'acov Fuchs, *Halichos Bas Yisrael: A Woman's Guide to Jewish Observance* (Oak Park, Mich.: Targum Press, 1987), pp. 65–67; Joel B. Wolowelsky, "The Eating Fellowship: An Exploration," *Tradition* 16:3 (Spring 1977); Joel B. Wolowelsky, "Women's Participation in Sheva Berakhot," *Modern Judaism* 12 (1992): 157–165; Eliezar Berkovits, *Jewish Women in Time and Torah* (Ktav Publishing House, 1990), especially pp. 83–92.

2. When the term "obligated in *zimmun*" is used in this paper it implies that the individuals who have that obligation may no longer say Grace on their own and *must* participate in the communal *zimmun* (mishnah *Brakhot* 7:4, O.H. 193:1).

3. See "*Birkath Ha-zimmun and Havurah Meals*" by Yosef Heinemann in *JSS (Journal of Jewish Studies)* 13 (1962): 23–29.

4. E.g., Deut. 8:10, Deut. 32:3, Psalms 34:4; See *Brakhot* 48b.

5. Raivad on the *Ma'or* at the end of *Brakhot*; *Tur* O.H. 188; *Levush* 199; *P'nei Yehoshua*, chap. 7.

6. Rav Natronei Gaon (*Siddur Rav Amram Gaon* 141a); *Mahzor Vitry* (p. 23); *Meiri (Brakhot* 45a); *Ritva (Brakhot* 5:10); *Shulhan Arukh Harav* (199:9); *Sha'ar ha'Ziyun* (199:19).

7. *Kiryat Sefer, Brakhot* 5. See also Maharsha on *Agadot, Brakhot* 48b.

8. *Bi'ur HaGra* 195:5; *Bah* 193 based on *Brakhot* 45b; Maimonides, *Brakhot* 5:3; *Rosh* 7:27.

9. *Taz* 183:6; *Mishnah Brurah* 183:28; *Shulhan Arukh Harav* 183.

10. *Magen Avraham* 193:8; *Mishnah Brurah* 193:24; *Sha'ar ha'Ziyun* 193:22.

11. See however note 42 for sources that discuss the level of women's obligation.
12. See *Siddur Rav Amram Gaon*, p. 45 in the Goldschmidt edition, and *Sefer Ha'Manhig, Hilkhot Se'udah*, p. 218 in the Rafael edition. Our current text of *zimmun* contains God's name even in the *zimmun* of three. See *Magen Avraham's* introduction to O.H. 192.
13. Based on a *braita* cited on *Brakhot* 45b, the normative halakhah is decided (Maimonides, *Brakhot* 5:15; *Shulhan Arukh*, O.H., 193:1) that two may not form a *zimmun*. There are some who say that they may (e.g., the *Rokeah*, *siman* 329 — p. 228 in the *Ozar HaPoskim* edition).
14. *Shitah M'kubezet*, *Brakhot* 45b.
15. *Pnei Yehoshua*, *Brakhot* 45a.
16. See source in note 3.
17. See, however, *Teshuvot U'psakim* of R. Abraham ben David (Raivad) (Kaph ed.), number 12, who accepts the mishnah at face value and interprets the *gemara* to mean that a minor may be counted in the ten, while for a *zimmun* of three a minor is explicitly excluded by the mishnah. R. Yona (*Brakhot* 45b) also does not see the mishnah as being rejected. Rather, he says that the mishnah is referring to minors without knowledge and the *gemara* to minors with knowledge.
18. This is codified in the halakhah (The *Shulhan Arukh*, O.H. 199:10). *Ramah* (O.H. 199:10) and *Hayei Adam* (48:20), while not disputing the actual halakhah, say that our custom is not to include a minor. *Meiri*, *Brakhot* ch. 7 and *Prisha* O.H. 199 quote an opinion that minors may even form a *zimmun* entirely on their own. The *Kaf ha'Hayyim* (199:18) rejects this opinion. See R. Ovadia Yosef, *Yehaveh Da'at* 413.
19. Because of this reason, even more than three women may not join with more than three slaves to form a *zimmun*, although each group independently could form a *zimmun*. *Mishnah Brurah* 199:14.
20. It seems to these authors that the reason of immorality stated here applies only to women and slaves, but from this source no proof can be brought to prohibit women and free men joining together. This seems to be the understanding of the *Shulhan Arukh*, O.H. 199:6. *Mishnah Brurah* s.k. 12 and 14; *Drisha* O.H. 199; *Meiri*, *Brakhot* ch. 7, "some say". Others do reach such a conclusion; for example, see *Maharam* of Rothenburg quoted in *Bah* O.H. 199; *Shita Mekubezet*, *Arukhin* 3a; *Arukh haShulhan* 199:2; third opinion in *Meiri*, *Arukhin* 3a; *Ra'N* on *Megillah* 19b.
21. *Arukhin* 3a.
22. See note 25.
23. See also *Hazon Ish* O.H. 30:8. We see the reason of "not proper" to be different from that of immorality (*prezut*) of note 19. Some may interpret them as one and the same. *Shuts Mishpat Uziel* (*Hoshen Mishpat* 6) brings a proof from here that the rabbis did not object to a mixed meal *per se*, but only to a legal union formed for the sake of a *mizvah*. Frimer, *Op. cit.*, p. 65, cites authorities who say that such a union could lead to "immodesty."
24. Raivad, see n. 17.
25. *Bah*, O.H. 199 quotes an opinion that R. Yehuda Hachohen would only count women towards the ten and not the three. Others might view this as an even greater novelty. See note 17 where a similar ruling is brought in the name of the Raivad with regard to a minor. As the Raivad proposes this based on the mishnah in *Brakhot*, which discusses women and minors, it would seem that the Raivad would not count women in the *zimmun* of three, although he might count them towards ten.
26. *Mordekhai* to *Brakhot* 45b.
27. See *Prisha* (199) in the name of the *Agur*, *Taz* 199:2; *Arukh haShulhan*, O.H. 199:2; *Shulhan Arukh*, O.H. 199:6. See also Joel B. Wolowelsky, "The Eating Fellowship." *Op. cit.*, for a discussion of the reasons why a woman may or may not be included within a *zimmun* with men, and his suggestion that perhaps this should be more flexible nowadays.
28. See, for example, the *Bah* O.H. 199, who explains that R. Simhah permitted women in a joint *zimmun* of ten because it is not a *davar she-bikedusha*, from which, according to the *Bah*, women are normally excluded. We see that the *zimmun* of ten may be different than

the usual quorum of ten (*minyan*). That it may *not* be different is suggested by its inclusion with nine other *minyan* rituals in *Meg.* 4:3.

29. R. Simḥah, quoted in the *Mordekhai to Brakhot* 158 and 173; one opinion in the *Meiri*, *Brakhot* 48a; *Bah* to O.H. 199 explaining the opinion of R. Yehudah Hacoen in the *Tur*; *Bah* to *Tur* O.H. 689; Rabbi Aaron Halevi to *Berakhot* 45; *Ran* to *Megillah*, Ch. 2; *Rosh* and Rabbenu Tam as cited by *Shiltei ha-Gibborim* to Alfasi at beginning of *Brakhot*, ch. 7.

30. *Meiri*, see n. 29; *Shulhan Arukh Harav* 199:7.

31. See note 34.

32. *Brakhot* 45b. This also seems to be Rashi's and *Tur*'s (O.H. 199) opinion. *Tosafot* admits that women forming a *zimmun* was not totally unheard of. He cites the daughters of Rabbenu Avraham (a student of Rabbenu Tam) who, on their father's advice, used to form a *zimmun*.

33. The idea of an optional *zimmun* is not unique to women forming a *zimmun*, and occurs in other *zimmun* situations. For example, if people did not technically eat "together," such as at separate tables or separate rooms, they are not required to form a *zimmun* but may do so (*Shiltei Gibborim* to *Mordekhai*, *Brakhot* 7:5; *Drisha* 193:2; *Bi'ur Halakhah* 193:2, s.v. *adif tfay*). Additionally, some *rishonim* say that two men may form an optional *zimmun* (the *Rokeah*, see note 13).

34. O.H. 199.

35. *Mizvat Asay* 27. See also *Hayai Adam* 48:20.

36. *Brakhot* 7:4. This is also the opinion of the *Talmidai Rabbenu Yona*.

37. The real problem, as we see it, with the first two approaches, is that they separate the two sources. The problem with that, is that the Talmud in *Arukhin* quotes the *braita* from *Brakhot* in support of its position that all, including women, are obligated in *zimmun*. It thus seems clear that, at least in the eyes of the Talmud, the two sources are saying the same thing and are both supporting the notion that women are obligated in *zimmun*. That is essentially what the *Rosh* and the *Gra* (*Vilna Gaon*) say.

38. *Rokeah*, number 333, p. 230 in *Ozar Haposkim* edition.

39. *Be'urai HaGra*, O.H. 199:7.

40. *Ohr Same'ah* (*Brakhot* 5:3); see generally, Frimer, *Op. cit.*, p. 65.

41. *Bah*, *Tur*, O.H. 199.

42. *Brakhot* 20b; *Shulhan Arukh* O.H. 186:1; *Encyclopedia Talmudit* 2:248.

43. This is the very argument that *Rosh* explicitly rejected. *P'nei Yehoshua* (*Brakhot* 45b) uses similar reasoning and explains that women were not given the same obligation in *zimmun* to avoid the possibility that women would come to fulfill the obligation on behalf of the men, which would be problematic.

44. 199:16.

45. 199:6.

46. *Ramah*, 183:1.

47. This seems a little difficult in light of the halakhah that when the host leads the *zimmun* he is supposed to give his wife to drink from the cup of wine (*Shulhan Arukh* O.H. 183:4; *Mishnah Brurah* 183:19). However, the *Kaf ha'Hayyim* (199:19) quotes an opinion that women would actually use a glass of wine when they form a *zimmun*.

48. Either of the *Hafez Hayyim*'s explanations is consistent with women being obligated in *zimmun* in the presence of three men. It is assumed that men would be expert in leading the Grace, and that the men would use the glass of wine. Hence, there is no longer a reason to exempt the women from the existing *zimmun*, and they too become obligated.

49. *Meiri*, *Brakhot* 47a; *Me'orot*, *Brakhot* 45b; *Shiltei ha-Gibborim*, *Brakhot* 7:2. This debate does not necessarily fall along the same lines as that over whether women have an obligation. For example, the *Rosh* and the *Gra* both hold that women have an obligation in *zimmun*. Yet the *Rosh*, as quoted by the *Shiltei ha-Gibborim*, says women can use God's name, while the *Gra* (O.H. 199:6) says that they cannot.

50. *Shulhan Arukh*, O.H. 199:6.

51. Maimonides, *Berakhot* 5:7.

52. See Frimer for details.

53. *Shulhan Arukh*, O.H. 199:7. This is according to the second approach, that of the *Beit Yosef* (author of the *Shulhan Arukh*), to the sources, that women are obligated when eating with a *zimmun* of men.

54. *Shulhan Arukh Harav*, 199:6.

55. R. Ya'akov Emden in his *Siddur* (p. 119) agrees with the *Beit Yosef* that women eating alone have an option to form a *zimmun*, but are obligated to join a *zimmun* if they ate with a *zimmun* of men. He then advises that one should make women aware of this obligation so that they will know to participate in the *zimmun*.

56. *Shulhan Arukh Harav* 199:6; *Mishnah Brurah* 199:18; *Kaf ha'Hayyim* 199:23. There is a dissenting opinion that says they should not break off, but the *Sha'ar ha-Ziyun* 199:9 says that the first opinion is the logical one.

In any example of case A, and of case B when there are fewer than three women, when the women participate in the men's *zimmun*, they are required to *listen* to the men's *zimmun* and may not be leaders, according to *Bi'ur Halakhah* 199, s.v. *V'yo'ot*, and *Kaf ha'Hayyim* 199:24. The latter gives as the reason that it is unclear whether women are obligated in Grace Biblically or rabbinically (see note 42). *Meiri*, *Brakhot* ch. 7 cites an authority who says that the women may even lead.

57. The *Arukh haShulhan* 199:2 agrees that there is an optional *zimmun* (and uses this to explain why women can never use God's name in a women's *zimmun*), but says that the custom is not to make one, and "we have never heard of women who form a *zimmun* on their own." Clearly there are other codifiers who do not find the implementation of this option as surprising.

58. Aurbach, *Op. cit.*, p. 94, in the name of his uncle, R. Shlomo Zalman Aurbach, one of the leading contemporary authorities in halakhah.

59. O.H. 199:6. Frimer, *Op. cit.*, p. 65, discusses the reasons given for this, including "immodesty."

60. *Mishnah Brurah*, *Shulhan Arukh* O.H. 199:12.

61. The primary exceptions that we found are *Tosafot* (*Brakhot* 45b), *Arukh haShulhan* (199) and *Bi'ur Halakhah* (199), who all state that it was not current practice for women to form their own *zimmun*. But none of them dispute the essential halakhah and none discourage women's *zimmun*.

62. *Shanah Rishonah*, *Korah*, 13.

From Veil to Wig: Jewish Women's Hair Covering

LEILA LEAH BRONNER

Introduction

THE PURPOSE OF THIS PAPER IS TO EXAMINE the practice of hair covering among Jewish women from a historical and cultural perspective. The topic deserves attention, particularly in light of the renewed observance of this practice among resurgent Orthodox and the *Ba'alei Teshuva* ("reborn" Jews) movement.¹ My interest in restudying the historical and religious sources of the practice was evoked by a stimulating halakhic exchange on the subject that appeared in *Judaism*.² Yet, modern halakhic studies tend to concentrate on the dynamics of legal issues, rather than the historical and social aspects of religious observance.

Our endeavor will focus instead on discovering how the custom grew, developed, and eventually became institutionalized in Jewish life. This approach will further elucidate the practice, since hair covering is not necessarily a matter of only halakhic interest, but, as we shall illustrate, is also subject to strong societal influences. The relevant Biblical and Talmudic sources, and their medieval and modern rabbinic interpreters, will be discussed from the historical and social point of view. Finally, some suggestions for reinterpreting this practice in light of societal changes will be offered.

Historians and anthropologists show that hair has diverse socio-religious and symbolic value in many civilizations.³ Our interest, however, will be to isolate the meanings that hair has held specifically in Jewish civilization at different times in history. Nowhere does the Bible present an explicit command for women to cover their hair. Yet, because women in the ancient Near East, as in later Greece and Rome, veiled themselves when they went outside, one can assume that the custom probably also existed in ancient Israel. However, the function and symbolic value of hair in the Bible had little to do with the way Jewish customs developed in later centuries. Early classical rabbinic literature, namely Talmud and Midrash, presents an entirely different approach to the problem of hair covering. At that time, hair covering became not only a fashion or a cus-

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tom, as in the Bible, but was objectified as a rule and regulation for women to follow as a religious obligation. Later rabbinic literature of the Middle Ages further reenforced women's hair covering as an integral part of Jewish religious observance. Only in the modern period was the practice seriously challenged as it faded from general societal convention.

Woman's Hair in the Bible

The Bible presents hair as an ornament, enhancing the appearance of a woman. The attraction of a woman's hair is poetically expressed in the Biblical Song of Songs: "Your hair is like a flock of goats from Gilead" (6:5). The Talmud not only regarded women's hair as beautiful, but as erotic; and for that reason it had to be covered.

Conversely, cutting her hair was a way to make a woman unattractive. The sole place in the Bible depicting a woman's hair being cut is in the laws of the captive woman (Deut. 21:12). After a period of one month, during which time she was permitted to mourn her family, the captor might then claim her for his wife. The fact that her hair was shaved at the beginning of her captivity, whether as a sign of her subjugation or as a part of her mourning, may also indicate to what extent hair was considered an adornment to women. The classical rabbis, including Maimonides (*Mishneh Torah, Hilkhhot Melakhim*, 8:5; see generally, J.H. Hertz's Edition of the Pentateuch, at Deut. 21:12), have suggested that cutting her hair made the captive less attractive to her captor, perhaps even with the intent that over the course of the month his ardor would cool and he would eventually let her go.

The practice of shaving a woman's hair upon marriage, while not directly influenced by this Biblical account, became prevalent in Central Europe and especially Hungary in the early modern period.⁴ This shows that a practice which the Bible viewed as an aberration could be converted into normative religious ritual. What the Bible imposed as a sign of both subjugation and mourning was transformed by history into an expression of female "modesty." Although many rabbis inveighed against the practice, it nevertheless took hold in a number of communities.⁵

In addition to the aesthetic value of hair described in the Bible, the cutting of a nazirite's hair was associated with his transition from one status of life to another.⁶ Similarly, in post-Biblical Judaism, covering of the hair signaled a transition in the female life cycle, symbolizing the departure from maidenhood into womanhood. Hair covering may not have served this function for women in the Bible, however, since there is some evidence that the unmarried girl, like her married counterpart, may also have covered her hair. Thus, the betrothed Rebecca demurely covers herself upon first sight of her intended husband (Gen. 24:65).⁷ Single women may not have covered their hair in the days of the Talmud.⁸ It is therefore uncertain that hair covering in the Bible held the transitional function of

marking a change in status, but it may well have been a transitional marker in Talmudic times.

To summarize: woman's hair in the Bible is viewed positively, as an adornment to her beauty. It is doubtful that hair covering marked a transition from maidenhood to a married state.

Hair Covering: Law or Custom?

The approach taken by post-Biblical interpreters has been influenced by how they have categorized the practice, whether as law (*halakhah*) or custom. It is, therefore, appropriate at this point in our study to ask: Was hair covering a custom in the Talmudic period, or a halakhically binding rule? What is the force and authority of custom in Judaism? Religious authorities have disputed the matter through the centuries. The categories have not always been clearly distinguishable, particularly since custom in Judaism often receives the force of law. Jewish law could even be based upon custom; for example, legal rulings sometimes cited custom as a historical, authoritative precedent.⁹

Yet, custom in Judaism, unlike law, “functions without preconceived intent and anonymously.”¹⁰ Custom is formulated by the practice of the people, not decreed from on high by authorities. This means that there is a certain anarchist, populist tendency in the process. Discomfort with the undefined lines of authority inherent in custom led some rabbis to formulate the principle that all custom actually comes from earlier, forgotten law (i.e., rather than just from the people). This represents an effort to lend greater legitimacy to what already constituted usual practice.¹¹

Custom has a force and dynamic of its own. It is one of the ways in which religious practice develops and is reinterpreted over time. However, the development of custom is not entirely allowed a free reign. Sometimes, a custom was deemed inappropriate, and religious authorities stepped in to fight against it. This seems to be what has happened both in the case of modern women choosing to wear wigs or choosing to uncover their hair, as will be discussed below.

Hair Covering in Classical Rabbinic Sources

In addition to law and custom, Jewish religious practice is subdivided into other categories. In our case, the obscure concept of *dat Yehudit* plays an important role. Literally, *dat Yehudit* means “Jewish Law,” but this explanation does not tell the whole story. The Mishnah appears to say that the duty to cover hair is a *dat Yehudit* rather than a Law of Moses, clearly implying that there is a distinction between a “Mosaic Law” and a “Jewish Law” (*dat Yehudit*). “Mosaic Law” is apparently considered by the Mishnah to be Torah-derived, whereas “Jewish Law” seems to be Jewish practice stemming from the people, i.e., what we have described as *custom*. Thus, the Mishnah apparently considered hair covering to be a matter of Jewish

custom. Nevertheless, the Talmud (or, *Gemarah*) gives Biblical foundation for the practice of hair covering and, contrary to the Mishnah, declares it to be a Torah-derived law. Furthermore, it is interesting that the term *dat Yehudit* is used only in connection with women's behavior, leading some to define the term as "customs specifically relating to women's modesty."¹¹

Modesty laws in rabbinic literature functionally acted to render the woman inaccessible and unavailable to all but her husband. Rousselle, a cultural historian, writes in regard to ancient Rome that the veil or hood worn by an honorable woman "constituted a warning: it signified that the wearer was a respectable woman and that no man dare approach without risking grave penalties. . . . Although the veil was a symbol of subjection, it was also a badge of honor, of sexual reserve, and hence of mastery of the self."¹² Similarly, hair covering was a sign not only of rabbinically enjoined modesty, but of a wife belonging to a particular man, and the veil had to be worn whenever she was in mixed company or went out in public.¹³

According to the Mishnah, for a woman to go about with uncovered hair represents unacceptable conduct. In fact, such behavior is so improper that it is considered sufficient grounds for a husband to divorce his wife without benefit of compensatory financial support (*ketubah*). The Mishnah states:

These are they that are put away without their *ketubah*: a wife that transgresses the Law of Moses [*dat Moshe*] and Jewish custom [*dat Yehudit*]. What [conduct is such that transgresses the] Law of Moses? If she gives her husband untithed food, or has connection with him in her uncleanness, or does not set apart dough-offering, or utters a vow and does not fulfill it. And [what conduct is such that transgresses] Jewish custom? If she goes out with her hair unbound, or spins in the street, or speaks with any man.¹⁴

As we have stated, a distinction is made in this mishnaic text between the Law of Moses (*dat Moshe*) and Jewish law (*dat Yehudit*). Hair covering is clearly defined as non-Pentateuchal, a matter of custom. The fact that the Mishnah distinguishes between Pentateuchal law and Jewish custom might suggest that the latter is placed on a lower level of importance, yet both are grounds for divorce. Moreover, the severity of divorce without the benefit of the marriage contract and the monetary protection it provided for the woman should not be underestimated. The requirement of hair covering was taken seriously, even if a matter of custom.

The Talmud (in the *Gemarah*) attempts to minimize the distinction made by the earlier rabbis of the Mishnah. They question the categorizing of the practice as being merely custom, and argue that it should instead be understood as Pentateuchal. The rabbis, in doing this, made the practice of hair covering for women even more stringent. The Talmud selects the unhappy subject of the suspected adulteress (*sotah*) to demonstrate its case:

“And [what is deemed to be a wife’s transgression against] Jewish practice? Going out with uncovered head.” But [is not the prohibition against going out with] an uncovered head Pentateuchal; for it is written, “And he [the priest] shall *parah* [?] the woman’s [i.e. the suspected adulteress’] head” [Num. 5:18], and this, it was taught at the school of R. Ishmael, was a warning to the daughters of Israel that they should not go out with uncovered head.¹⁵

The Talmud’s claim, that hair covering is a Biblical injunction, is based upon the command in the Book of Numbers that the priest is to *parah* the hair of the suspected adulteress (*sotah*). The word *parah* is variously understood. We will present four sources, two from the Talmud, one from the Tosephta, and one from Midrash, to demonstrate that opinions about the word, and what exactly the priest was doing to the *sotah*’s hair, were not uniform, in contrast to the assumption held by many today that he was uncovering her hair.

First, the Talmudic passage just cited explains it to mean “uncovered.” Some interpreters claim that this is proof that the women normally had their hair covered, or the priest would not have been able to uncover it. Even if the Talmud is correct, the Biblical source cited about the *sotah* is only evidence that the custom was observed in Biblical times — *it is not proof of the practice being Biblically ordained for all time*.

The second source, an early Midrash known as *Sifrei*, offers two different, contradictory interpretations of this difficult word *parah*. The first view¹⁶ states that in order to fulfill the ritual of *parah*, the priest had to stand behind the accused. A second, anonymous opinion¹⁷ then adds that this Biblical rule teaches that daughters of Israel must cover their heads.

“And he shall *parah* the head of the woman.” [This means that the] priest turns to stand behind her and performs the act of *parah* in order to fulfill the Biblical commandment of *parah*, [these are] the words of R. Ishmael. Another opinion [is that] it teaches concerning the daughters of Israel that they should cover their heads.¹⁸

Actually, it is unclear what the word *parah* means in the first statement in *Sifrei*, but the fact that the priest must stand behind the woman may indicate that he was taking her plaits apart. Otherwise, he could certainly tear or remove a covering from her head without being in that position. This perspective is supported by the Mishnah as well,¹⁹ which interprets the word as meaning *satar*, “to loosen, or unravel [her braids].”²⁰ In other words, the first view was that the word *parah* means loosening the *sotah*’s hair, while the second opinion supports the contradictory belief that it refers to uncovering her hair.

The medieval commentator, Rashi, explicitly supports our explanation for the first statement in *Sifrei*, i.e., that the priest was unraveling, not uncovering, her hair. He cites *Sifrei*, and explains it by adding that the priest was standing behind the woman *so that he could loosen her braids*. Nevertheless, he undermines the importance of this variant interpretation by concluding with the second opinion in *Sifrei* that from this we learn that

the daughters of Israel should not uncover their heads.²¹ Rashi elsewhere totally ignores the explanation of “loosen,” stating that *parah* always means “uncovering the hair.”²²

Our third example comes from the *Tosephta* (collection of Tannaitic teachings supplementing the Mishnah). The majority of *Tosephta* manuscripts do not mention undoing the woman’s braided hair. They say only that the priest uncovered her head.²³ A minority of the manuscripts, however, provide an explanation that encompasses *both* meanings of the word *parah*. Adopting a measure for measure sense of retribution, this view states that just as she had spread her sheets for her lover, the priest takes the covering from her head and puts it under his feet; *just as she had braided her hair for her lover, the priest dishevels it*.

The Talmudic commentary on the mishnaic tractate, *Sotah*, offers our fourth and final source. The rabbis question (as do we) the source of a surprising mishnaic statement that not only the *sotah*’s hair is affected, but her bosom is to be uncovered as part of her shame. After deliberation, they come to the conclusion that the woman’s hair is to be loosened, but her bosom uncovered. Hence, they incorporate both meanings of *parah*, “to uncover,” and “to loosen.”²⁴

Summary of Views on Parah — To “Uncover” or “Loosen”

The evidence presented indicates that there was considerable difference of opinion concerning the translation of the pivotal word *parah*. Did it mean to uncover or to loosen? We have seen that while the majority of texts support the interpretation of “uncover,” there is a significant minority view that accepts the meaning of “loosen.” Mishnah *Sotah*, *Sifrei* and a minority of *Tosephta* manuscripts all include the idea of “loosening.” The Talmud on *Sotah* also lends itself to the interpretation of “to loosen,” whereas the Talmud on *Ketubot* embraces the opposing view, “to uncover.” Despite uncertainty about the meaning of the word, it is *Ketubot*, with its emphasis that hair covering is Pentateuchal and based on the Biblical verse dealing with the *sotah*, that eventually became widely accepted by commentators like Rashi as providing the basis for Jewish practice. This is in spite of the fact that it contradicts the Mishnah upon which it is based. Despite the prevailing view that hair covering is Biblically based, the practice is not listed among the fundamental Biblical commandments, according to the *taryag mizvot* (rabbinic enumerations of the 613 commandments of Judaism).²⁵

The Seductiveness of Eve as a Cause for Hair Covering

Instead of the *sotah* imagery employed so heavily in halakhic sources, aggadic traditions rely on an equivalent typology by employing the figure of Eve. They interpret the custom of hair covering as a sign of woman’s shame and feeling of guilt for Eve’s sin.²⁶ The Midrash implicitly under-

stands Eve's attractiveness as having contributed to her temptation and seduction of the man. Consequently, it became her responsibility to modestly cover her hair, considered a sexually alluring feature that men would be powerless to resist.

Blaming women for seducing men finds fuller expression in *The Fathers According to Rabbi Nathan* (ARN): "Why does a woman cover her head and a man not cover his head?"²⁷ A parable. To what may this be compared? To a woman who disgraced herself and, because she disgraced herself, she is ashamed in the presence of people. In the same way Eve disgraced herself and caused her daughters to cover their heads."²⁸ The Midrash continues in this vein, explaining that women walk before the bier at funeral processions, heads covered, to atone for Eve's having brought death into the world.²⁹

Talmudic passages dealing with hair covering do not mention the Eve story, although the notion remains that women's hair is sexually enticing. It is for this reason that one must not recite the *shema* prayer in front of a woman with uncovered hair.³⁰ Women, then, must cover their heads so as not to distract men from their prayers.

Hair Covering from the Middle Ages to Modern Times

By the time of the Middle Ages, covering of hair as a religious obligation was firmly entrenched. This is not surprising, since it was still the general societal practice for married women — both in the Christian and Muslim world — to cover their hair.³¹ In the Jewish world, contemporary religious teachers added impetus to its observance. Rashi repeatedly emphasizes that the law of *sotah* teaches that Jewish women were not to uncover their heads, and his teaching certainly held great weight and reinforced the practice. Maimonides,³² and later the authoritative code of Jewish law known as the *Shulhan Arukh*,³³ speak of hair covering as the accepted traditional practice for all married Jewish women.

From Veil to Wig

The first serious challenge to traditional hair covering came from the wearing of wigs, which came into vogue among the French in the 16th century. The wig was worn by both French men and women, and it eventually influenced the Jewish woman to emulate her French neighbors. The practice of wearing wigs was at first denounced by rabbinic authorities, but eventually accepted by most rabbis. Still, many pious Jewish women, accustomed to more traditional headgear, found it difficult to accept the new custom. It led to controversy in the Jewish community. Some felt that the wig itself was satisfactory headcover, while others wore a wig and put a covering over it.³⁴

Cosmetic use of wigs and hair pieces was already a feature of women's styles in the Talmudic Period.³⁵ It was never intended in the Talmud to

be a substitute for hair covering, however. Many European rabbis of this period inveighed against what appeared to them a novelty and inappropriate emulation of the “ways of the nations” (*hukot ha-goyim*).

The rabbis maintained that the traditional prohibition against women displaying their hair was to prevent the special feminine attraction from bringing men to unholy thoughts. The wig, they claimed, could evoke the same feelings as the women’s own hair. R. Katzenellenbogen (16th century, Padua) encouraged women to accept the teachings of their leaders, even when they sometimes proved unpleasant. He adjured them not to go with uncovered hair, nor to don a wig. To beautify oneself with a wig, he argued, was as if one went uncovered, since, to the naked eye, there appeared no difference between hair and wig.³⁶ Other rabbis, as late as the 18th century, mustered an array of halakhic arguments to show that wigs should be prohibited. R. Jacob Emden (1697-1776) was among a number of others who disapproved of the wearing of wigs, even declaring that reading of the *shema* in the presence of a woman wearing a wig was prohibited.³⁷ On the other hand, R. Moshe Isserles (1525?-1572), in his notes to the *Shulḥan Arukh*, declared the wig to be acceptable, and his lenient ruling was eventually accepted by Ashkenazi Jewry.³⁸

No doubt great pressure was exerted by women, whose legitimate claim to the right to make themselves attractive was recognized. Though the fashion of wigs was discontinued among non-Jews, it continued among Jews as a religious necessity. Once Jewish women experienced the relative freedom of the wig, as compared to the scarf, in giving them beauty and self-respect, they refused to resume the earlier headcovering. Despite their lack of formal halakhic influence, the women made a statement through their continued wearing of the wig in the face of rabbinic opposition. The amount of documentation representing rabbinic discussion of the matter demonstrates the extent to which women were disobeying rabbinic objections.³⁹ Between the scarf and the wig, women chose the wig and stubbornly fought for the right to wear it.

Eventually, however, there was dissatisfaction with the wig as well, which found expression in the large numbers of women who simply stopped wearing them. By the early 20th century, R. Jehiel Epstein (author of the *Arukh ha-Shulḥan*) deplored the lack of observance of head covering among women, already claiming that the majority of women violated its observance. However, cognizant of this most unhappy reality, he makes it clear that it is permissible to pray in the presence of women whose hair is uncovered. Epstein’s ruling was societally motivated by an environment in which the practice of headcovering was no longer widely observed.

Societal mores led some rabbis to take a more lenient stance toward head covering. R. Yehoshua Babad (1754-1838) wrote that the matter depended upon the general local practice. Jewish women could do as other women of their locale did. If the (presumably modest) women of a region

were not accustomed to going about with headcovering, then Jewish women could not be considered immodest if they also did not cover their hair.⁴⁰

Rabbi J. B. Hurewitz (1868-1935) was particularly energetic in his support of Jewish women who chose to uncover their hair, a position for which he drew considerable criticism.⁴¹ Hurewitz defended both innovations — the wig (although he considered it ugly) and the bare head — because he claimed that societal changes could lead to a change in this Jewish custom. Following the same line of reasoning as Babad, he argued that in a place where it is acceptable to cover the hair, a woman going against the accepted custom is regarded as immodest. Men in such a place are unaccustomed to seeing a woman's hair and will become excited at the sight of her. In this instance, there is no difference between a married and an unmarried woman. Concerning unmarried girls, Hurewitz introduces various rabbinic sources attesting that in different locations they do go out with uncovered hair even though the married women cover their hair. The practice of unmarried girls, therefore, also depends on the custom of the place.⁴²

In principle, Hurewitz was opposed to the use of wigs. He stated that in a place where women covered their hair, a woman going out with a wig was in transgression of Pentateuchal law. Nevertheless, Hurewitz continued, the custom had spread in spite of consistent rabbinic opposition to it. Women became accustomed to the wig, and gradually opposition faded. Hurewitz maintains that women eventually became dissatisfied with the wig as well and, gradually, many stopped wearing it. They disregarded male protests, especially in America, until it became the custom even for modest and observant women to go with uncovered heads. Who, Hurewitz queries, would dare today to say that these women are immodest and sinful? He replies to his own question by stating that the daughters of Israel are respectable and decent.

Although Hurewitz does not condone the actions of the few Jewish women who first broke with convention,⁴³ he ultimately accepts the societal change that was brought about after the grass-roots movement had become widespread and began to represent normal practice. Hurewitz is also unique in suggesting that uncovering their hair allows women to fit into the society in which they live. Blending into the larger society, however, is not usually considered a plus in traditional circles.

Opponents of uncovering the hair, on the other hand, assert even today that hair covering cannot be changed (whether or not it is Pentateuchal) because it is based on an underlying Jewish principle — modesty — which cannot be countervailed. Modesty, they would argue, is not variable, regardless of the mores of the larger society. Consequently, any change in the practice would result in a misguided custom which cannot be countenanced.

As has been shown in this essay, the Bible presents little information, only suggesting that some covering might have been worn, as was customary throughout the ancient Near East. In the Rabbinic Period, the practice became obligatory. Classical rabbinic sources illustrate great concern for the practice; however, there is no uniform opinion as to whether hair covering is Pentateuchal or a custom. By the Middle Ages, hair covering was uniformly observed by Jewish women, consistent with societal practice generally, while the Modern Age saw a grass-roots rebellion among women fomenting use of the wig as an alternative to hair covering. The rabbinic opposition was eventually overcome. Eventually, there was widespread disregard for the practice of hair covering itself. Nevertheless, for Jews who were religiously oriented, the problem of how to avoid hair covering within the realm of halakhah had to be confronted. There were a few rabbis who tolerated the lapse of the custom with the understanding that society had changed and it was no longer considered immodest to keep one's hair uncovered. Most rabbinic decisors, however, were determined to protect prior halakhic opinion from incursion and change.

With the resurgence of Orthodoxy in the 1950's, the majority view has become particularly onerous for many religious women, who chafe against the hair-covering restriction, much as religious women did in earlier periods. It is, therefore, unfortunate that there has been no contemporary concerted effort among Orthodox rabbis to directly confront and solve this problem.

As already noted, there is considerable precedent for re-interpretation of this particular practice. Societal changes have conditioned re-interpretation in other matters as well. For instance, the law of evidence concerning a husband who has disappeared at sea is determined by the Talmud. Nevertheless, a strict halakhic decisor like the Hatam Soffer (known for his adage, "Anything new is forbidden by the Torah") suggested that improved communication had obviated the need for such strictness, since, if the husband were alive, the means existed for his contacting his wife.⁴⁴

In a fairly close analogy to the matter of hair covering, we find that men were prohibited by the Talmud to use a mirror, since this was viewed as falling under the rubric of the prohibition: "A man shall not wear a woman's apparel" (Deut. 22:5).⁴⁵ This was reinterpreted by Isserles to mean that in a time when not only women use mirrors, there is no objection to men using them.⁴⁶ This interpretation is based upon a change in the mores of society. Why has not the change in women's head styles come under similar review and revision?

Many religious women have internalized the value of hair covering and find meaning in it.⁴⁷ Many others, however, find it restrictive and burdensome; and they feel that there is sufficient precedent in Jewish law

that they can, as Rabbi Hurewitz and others have suggested, be modest, observant women with or without covering their hair. However, it is the very fact of a wide variety of practices among orthodox women, and of halakhic opinions sanctioning them, that makes any broadscale reinterpretation of the halakhah in this area less likely, at least in the near future.

NOTES

1. Earlier studies on the subject include those of Louis M. Epstein, *Sex Laws and Customs in Judaism* (New York: Ktav, 1948; rpt. 1967), 36-60; G. Ellinson, *The Modest Way: A Guide to the Rabbinic Sources, Woman and the Mizvot 2* (Jerusalem: World Zionist Organization Department for Torah Education and Culture in the Diaspora, 1992); and Moshe Weiner, *Glory of the King's Daughter: Laws of Modesty in Women's Dress* (New York: Empire Press, 1980). A number of the relevant rabbinic commentators are assembled in the useful collection, *Sefer Sanhedrai*, ed. A. Weizer (Tel Aviv: Yesod, 1971) [Hebrew].

2. Marc Shapiro, "Another Example of 'Minhag America'," *JUDAISM* 39 (1990): 148-154; and Michael J. Broyde, Lilli Krakowski and Marc Shapiro, "Further on Women's Hair Covering: An Exchange," *JUDAISM* 40 (1991): 79-94.

3. Christopher R. Hallpike, "Hair," *The Encyclopedia of Religion*, ed. M. Eliade (New York: Macmillan, 1987), VI, 154-157.

4. The practice had meager medieval antecedents and was observed by only a minority of women in 16th century Central and Eastern Europe, but grew in popularity over the course of the next two centuries; see Epstein, pp. 58-60.

5. Epstein, pp. 55-60.

6. The story of Samson, the nazirite, suggests that hair was regarded as having a special force or vitality. When Samson's hair is cut off, his strength vanishes. Although the Bible attributes Samson's strength to God, and his loss of it to breaking his nazirite's vow, at a mythological level, it is Samson's hair that houses his supernatural powers. In either case, Samson's hair holds important symbolic value for the story.

7. Cf. Tamar in Gen. 38:14 and the coquettes in Isa. 3:16-24. Other important references to hair covering are found in Lev. 10:6; II Kings 9:30; Isa. 47:2, III Macc. 4:6; Susanna 32; and Judith 10:3. A number of these references indicate that uncovering the hair meant demeanment and a debased status.

8. In Talmudic accounts the bride is said to go to the *hupah* with head uncovered (see M. *Ketubot* 2:1 and 2:10; and Epstein, pp. 44-45). This may only indicate that she was uncovered for the ceremony, not necessarily that as a maiden she normally went uncovered. There is sparse, contradictory evidence as to whether unmarried girls covered their hair in the ancient period, whether Biblical or Talmudic. Most Talmudic discussion of hair covering involves the married woman. Even in the medieval period the situation is diverse, with Maimonides (*Yad Ha-Hazakah*, *Issurei Bi'ah* 21:17) opting for hair covering of girls, as opposed to Ashkenazi decisors who say it is unnecessary.

9. The Hatam Sofer (1762-1839) represents an extremist position arising out of opposition to the incipient German Reform movement, having ruled that from his time forward no distinction was to be made between the smallest custom and a Biblical prohibition (See *Encyclopedia Judaica*, s.v. "Moses Sofer," XV, 79).

10. *Encyclopedia Judaica*, s.v. "Minhag" (M. Elon), XII, 8; and M. Elon, "Minhag," in *The Principles of Jewish Law*, ed. M. Elon, The Institute for Research in Jewish Law 6 (Jerusalem: Keter, 1975), pp. 91-110.

11. *Encyclopedia Talmudit* [*Talmudic Encyclopedia*], s.v. "Dat Yehudit," VIII, 19 [Hebrew]; Maimonides, *Mishneh Torah*, *Nashim*, *Hilkhot Ishut* 24:12.

12. Aline Rousselle, "Body Politics in Ancient Rome," in *A History of Women in the West, I. From Ancient Goddesses to Christian Saints*, ed. P.S. Pantel (Cambridge, MA: The Belknap Press of Harvard University Press, 1992), p. 315.

13. I Corinthians 11:3-16; see also L.J. Archer, *Her Price is Beyond Rubies: The Jewish Woman in Graeco-Roman Palestine*, Journal for the Study of the Old Testament, Supplement, Series 60 (Sheffield: JSOT Press, 1990), pp. 212 and 247-248.

14. M. *Ketubot* 7:6. The translation is that of H. Danby, *The Mishnah* (Oxford: Oxford University Press, 1933, rpt. 1983). J. Neusner (*The Mishnah: A New Translation* [New Haven: Yale University, 1988]) translates "with her hair flowing loose."

15. B. *Ketubot* 72a-b.

16. This view is attributed here to R. Ishmael.

17. This view is attributed in the preceding example (from B. *Ketubot*) to Rabbi Ishmael.

18. *Sifrei Ba-Midbar*, *Pisqa Nas'a* 11. These two very similar pericopes (B. *Ketubot* 72a-b and *Sifrei*), i.e., that the law of *sotah* teaches that Jewish women were not to uncover their hair, were redacted differently in their separate Talmudic and Midrashic contexts, with the result that two contradictory views are attributed to R. Ishmael. Whereas the passage in *Ketubot* flows smoothly, consistently supporting the argument that *parah* means "uncovered" and that Jewish women are not to uncover their heads, the pericope in *Sifrei* appears to be displaced and is inconsistent with the argument that precedes it, namely, that *parah* means "to dishevel."

19. M. *Sotah* 1:5.

20. M. Jastrow, *Dictionary of Talmud Babli, Yerushalmi, Midrashic Literature and Targumim* (New York: Pardes Publishing House, 1950), p. 1033.

21. Rashi on Num. 5:18.

22. Rashi on B. *Sotah* 8a; see also his commentary on B. *Ketubot* 72b.

23. T. *Sotah* 3; A. Hoffer, "Which Disheveling [Uncovering] of Hair for Women is Biblically Prohibited?" *Hazofeh Le'hakhmat Yisrael* 12 (1928): 330-335; M.J. Broyde, p. 85.

24. B. *Sotah* 8a (on M. *Sotah* 1:5) reads:

Our rabbis taught:

"And he will *parah* the head of the woman." It states only her head; how do I know [it also applies to] her body? Scripture states: "*ha-ishah*" ["the woman," i.e., her womanhood, or the woman herself]. If so, why does Scripture state, "...he will *parah* her head" [which is included in "the woman"]? It teaches that the priest loosens her hair [but uncovers her bosom].

Epstein (p. 200, n. 39) adds that *Sifrei Ba-Midbar* (ed. Friedmann, 5a) speaks of a sheet being held up to hide the woman from view, indicating that some rabbis were troubled by the idea of baring the woman's bosom.

25. Such classifications of the commandments were made at least as early as Geonic times (although there are allusions to them in the classical rabbinic literature), and continued to be created as late as modern times. Maimonides' *Sefer Ha-Mizvot* is among the most authoritative compilations. Following its precedent, the anonymous *Sefer Ha-Hinukh* (questionably attributed to R. Aharon b. Joseph Halevi of Barcelona; c. 1235-1300) also did not include hair covering.

26. *Gen. R.* 17:8.

27. A similar comparison of male and female practice is made in I Corinthians 11:4-7, which states that men are to uncover their heads in prayer, since they are the image of God's glory, whereas women are to cover their heads submissively, since they reflect only the glory of man.

28. *ARN B.* 9:25; later, *ARN B.* 42:117 discusses the ten curses pronounced on Eve according to his exegesis. Among these curses is the following: "When she goes out to the marketplace her head has to be covered like a mourner." See also B. *Eruv*. 100b.

29. B. *Ber.* 51a. This custom is no longer followed in ultraorthodox Hasidic circles. Women are discouraged from attending funerals altogether because, it is said, the Angel of Death dances before her. Women are expected to prepare food and bring it to comfort the bereaved.

30. B. *Berakhot* 24a; Louis M. Epstein, pp. 46ff; L. Archer, p. 212.

31. Therese and Mendel Metzger, *Jewish Life in the Middle Ages: Illuminated Hebrew Manuscripts of the Thirteenth to the Sixteenth Centuries* (New York: Alpine Fine Arts Collection, 1982), pp. 146, 148; and Judith Baskin, "Jewish Women in the Middle Ages," in *Jewish Women in Historical Perspective*, ed. J. Baskin (Detroit: Wayne State Univ. Press, 1991), p. 95.
32. *Mishneh Torah, Nashim, Hilkhot Ishut* 24:12.
33. *Even Ha'Ezer* 21:2.
34. Epstein, pp. 52-55; Alfred Rubins, *A History of Jewish Costumes* (New York: Crown, 1973), pp. 8-10.
35. Rubins, p. 8.
36. *Derashot*, ed. Venice, 8a, cited in *Sefer Dat Yehudit K'hilkhatah* (Jerusalem: The Committee for the Preservation of Modesty, 1973), which enumerates a large number of rabbis opposed to the custom; and Epstein, p. 54.
37. Quoted in *Sefer Dat Yehudit K'hilkhatah*, 17-20.
38. Notes of Isserles to *Shulhan Arukh, Oraḥ Ḥayim* 75:2. Space prevents analysis of the historic and societal reasons why wearing of the wig did not spread among Sephardic women.
39. Many of these are collected in *Sefer Dat Yehudit K'hilkhatah*. See also n. 10 and text *ad loc*.
40. *Sefer Yehoshua*, #89 (Jerusalem: 1965). For others who supported leniency in the matter, see Broyde, pp. 82-83.
41. *Yad Ha-Levi* 143 (Jerusalem: Zuckerman, 1933). The work is a commentary to Maimonides' *Sefer Ha-Mizvot*. R.M. Barishansky, "Response to Rabbi Hurewitz' *Yad Halevi*," *Degel Yisrael* (June/July 1928): 16-18.
42. Even though Maimonides states that unmarried girls should cover their hair, this has not been the prevailing Jewish practice.
43. Compare this approach with Rabbi Abraham Kook's view, quoted at n. 14 of Tamar Ross' paper in this issue.
44. Hatam Sofer, *Even Ha'Ezer* 58.
45. B. *Shabbat* 149a.
46. *Yoreh De'ah*, 156:2. These two cases are cited by L. Jacobs, *Principles of the Jewish Faith* (London: Vallentine, Mitchell & Co., 1964), pp. 310-311.
47. Giti Bendheim, "Remarks on Hair Covering" in *Jewish and Female: Choices and Changes in Our Lives Today*, ed. S.W. Schneider (New York: Simon and Schuster, 1984), pp. 237-240.

Can the Demand for Change in the Status of Women Be Halakhically Legitimated?

TAMAR ROSS

THE PRESENT ARTICLE SUMS UP MY REACTIONS from participating in several forums devoted to discussions regarding the status of women in Judaism. I regard myself on the one hand as a traditionalist, ideologically committed to the dictates of Halakhah as it stands, and this involves the rejection of reformist demands that the Halakhah accommodate itself to the "spirit of the times" in a manner deviating from authentic Halakhic procedure. On the other hand, I have a definite sympathy for some of the feminist feelings expressed in these discussions.

The particular aspect of the status of women in Halakhah that I want to deal with is *not* one that I regard to be *at the moment* a problem of universal Jewish concern. It is an ideological one, which relates to the call of some Jewish feminists for a basic shift from the hierarchal (or inferior) relationship accorded to women *vis a vis* men in Jewish law, to one of equal status. This view of the problem could seemingly be solved only by a blanket abolition of discrimination or role stratification between the sexes, not only as regards the legal status of women in matters of marriage and divorce, but also regarding opportunities for learning, religious leadership, public expression in community ritual, and the like. As Blu Greenberg envisions it in her book, *On Women and Judaism*,¹ the conclusion of this process would lie in the legitimization of women rabbis and *poskim* (decisors), to the mutual enrichment of the individual women concerned and Judaism as a whole. But this ideological question is at the moment merely of localised import. For, although it is probably felt most acutely by many women from English-speaking countries, particularly the more highly educated amongst them, a large percentage of the religious community still sees in the traditional feminine role a very viable proposition, and thousands of Jewish women still manage to find genuine religious inspiration and spiritual fulfillment in relating their main role in life with the more private function of housewife and mother.

I do not mean to belittle the problem of those who do experience it. It is a dilemma which is being painfully confronted by a growing number of Jewish women who feel a strong attachment to tradition,

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yet find it difficult to relate some of its tenets to their *de facto* status in Western society. But discussions of the problem that I have attended have been moving, yet also disturbing. Moving, because it is evident that, at least for the specific circle of people involved, the subject under discussion is a vital one. Disturbing, because the mode of feminist reaction is so inappropriate or even counter-productive to its declared purpose, indicating the great measure of estrangement that exists between the women concerned and the authorities whom they wish to address.

The source of this disparity of outlook stems, as I see it, from confusion regarding two issues:

1. The theological question: what room is there in Halakhah for change altogether?
2. The practical question: if there is room at all for change, how is it to be effected?

With regard to the first question — one feature common to all the agitators for change that I have encountered is a general attitude towards the Halakhah which could be described as instrumentalist, i.e., that Halakhah exists in order to express or cater to certain spiritual needs or values which Jewish tradition is said to embody. The Jew stands autonomous before the law and molds it in accordance with these needs or values. I have not witnessed any serious attempt at clarification as to how these needs or values are to be determined. The subordinate relationship of the law to them has been expressed most succinctly by Blu Greenberg: "When there is a Rabbinic will, there's a Halakhic way." Instead of the traditional "Let the law pierce the mountain," comes "Let the mountain pierce the law" — the implication being (a) that Halakhah, in its entirety, is determined by humanly conceived considerations of social well-being and popular concern (b) that given sufficient motivation there are virtually no limits within Halakhah for accommodation to these considerations (c) that all Halakhic argumentation and rationalization is just so much window dressing after the fact. "Viewed in this light," as one observer has put it, "the rigidity of Orthodoxy in recent centuries and its failure to adjust to the changing environment in the course of the past 200 years, is seen as obscurantist, if not downright malicious."² What is lacking in this autonomous stance is an appreciation of the spiritual dimension of "accepting the yoke of Heaven" and the subjugation before something transcendent, which is a basic attitude underlying the outlook of the traditional Halakhist.

Clearly, any agitation for legislated reform regarding the position of women in Judaism cannot be divorced from more theoretical speculation regarding the nature of Halakhah and its relationship to the absolute and to the temporal. As has correctly been pointed out, "It has always been recognized that such factors as economic necessity, social well-being and popular acceptance played a role in Halakhic de-

cisions, and the authors of various responsa admit as much. But these were seen as peripheral factors having a local and temporary impact.”³ Moreover, the justification for taking these factors into account was in order to facilitate the execution of existing Halakhah, not in order to provide it with new purpose. Perhaps the most powerful impetus to a totally instrumentalist view of Halakhah, even among people professing complete commitment to its authority, is related to the growth of historical criticism in the past century and a heightened awareness of the role of social, economic and other external environmental factors in shaping Halakhic decisions.

It is significant that, on none of the occasions that I have experienced, did anyone ever attempt to present one particular line of apologetics traditionally raised in such discussions: namely, that the Halakhic position regarding women is based on a certain psychological or even metaphysical truth — a conception of the basic difference in character between the sexes which demands consideration or preservation. That this gambit has not even been worth mentioning is an indication of the fact that, for the specific group of people involved, this type of argument is totally *passé*. It is assumed that the particular conception of the nature of woman used as premise for various *Halakhot* is the function of a sociological situation that is gradually becoming obsolete, and cannot be equated with Absolute Truth or some eternal norm. The conclusion drawn is based on the assumption that there is a direct relationship between the historical genesis of Halakhah and the degree of its prescriptiveness — i.e., to the extent that the Halakhah has obviously been fixed in terms of a temporary sociological structure liable to extinction, the Halakhah itself becomes a relative proposition, and therefore people of this camp allow themselves to speak in terms of “We *must* change this or that aspect of the law” without feeling any undue compunctions. In general, Orthodox anti-feminists apparently confirm the direct relationship between the two, which is why sociological or historical explanations of Halakhic positions are often regarded as sacrilege, and so much energy is invested by members of this camp in attempting to prove that the *G’dolim* (our great Rabbis) somehow transcended time-bound considerations and were oblivious to the forces of history. The theoretical assumptions supporting their legal decisions acquire thereby a status of absolute proportions. Since Halakhic formulations are hermetically sealed against passing environmental influence, such apologists feel justified in speaking of *Hazal* (the Rabbis of the Talmudic period) as having defined once and for all the eternal nature of femininity by statements referring to the “lighththeadedness” (or flightiness) of women or to their innate modesty (based on their interpretation of the Scriptural statement: “All the glory of the princess is contained within”).⁴

I confess at this point that I, along with the feminists, have little

sympathy with those views which equate descriptive statements as to the nature of women with Absolute Truth, even when these have been expressed by great Jewish authorities. In this connection, I accept the approach of Maimonides as formulated by his son, Abraham:⁵

We are not obligated, in spite of the greatness of the wisdom of the Talmudic sages and the perfection of their understanding in Torah...to accept all that they say in matters of medicine or science or astronomy, and believe their statements as we believe them when they interpret the Torah. For the latter is the quintessence of their wisdom, and it is for them to rule on these matters to others, as it is said in the verse: "According to the Torah which they will teach you" (Deuteronomy, *Shoftim*).

Challenging the opinions of an authority in cases where his opinion is based on judgment does not necessarily entail a challenge to his authority.⁶ Empirically, a specific form of role stratification between the sexes is not a necessary or permanent feature of "normal" society; Jewish traditional opinions are not totally divorced from the concrete context in which they were formulated. It is true that one is dealing here with a question of degree, for the fact is that Halakhists throughout the ages have always consciously attempted to rise above the influence of external, passing factors when interpreting the law. But even of the Torah given by God to Moses, it is said: "The Torah spoke in the language of man," and not even in the language of all generations, but "to each man according to his power," "and even to Moses our Teacher according to his power."⁷ Maimonides, in his discussion of the reason behind the Torah acceptance of animal sacrifice as a method of worship (compromise with the primitive practices current at the time of the revelation at Sinai), specifically states that the Torah took into consideration the passing and imperfect cultural situations of mankind.⁸ For, not to do so, would truly be an impossible feat, considering that the Torah was formulated, at least on the *p'shat* (surface or simple meaning) level, for human beings bound by a limited here and now. In some cases this consideration merely relates to the origin, and not to the eternal validity of what is commanded,⁹ but, in other cases, changes in circumstances clearly involve a change in the way halakhah must be practiced.¹⁰

By the same token, however, I reject the oft-heard feminist view that the Torah given at Sinai originally conveyed a blueprint for society in general, and the status of women in particular, which tallied remarkably with our progressive notions of equality today. Unfortunately (they argue) this uniquely Jewish ideal was subsequently distorted, due to the infiltration into the Halakhah of various foreign and negative notions of sex and womankind from the time of the Romans until Victorian England. Besides being poor pseudo-history, presented in a tendentious and unsubstantiated fashion, this argument entails a crude and unsubtle understanding of the Jewish concept of revelation much closer to fun-

damentalism (in the Christian or Karaite tradition) than the attitudes of the traditionalist camp which it ostensibly attempts to attack.

However, in opposition both to the feminist position and to the “official” line generally tendered by most current Orthodox ideologists, I do not believe there is any necessary connection between the time-bound features of the Torah and its eternally binding nature. Thus, I do not believe that the sanctity of tradition depends upon proving that it has been hermetically sealed against outside influences. There is ample precedent in Halakhah for a dissociation between the circumstantial reasons for Halakhic demands (particularly *takkanot* and *gezerot*) and their continued binding power, even when those reasons no longer apply. For example, outside Israel, Orthodox Jews continue to observe the second day of the Jewish festivals, in spite of the fact that the original reason for the second day (a doubt as to the exact date when the testimony of witnesses to the new moon was accepted before the relevant count in *Erez Yisrael*) has long been defunct (“today we all know how the calendar is fixed”).¹¹ Whatever the declared rationale in the specific case concerned, the factors ostensibly responsible for these decisions leave in our eyes much to be desired.¹² On the other hand, I am not proposing with this that women abiding by Halakhah are doomed to a static and intransigent formulation of their position in society for all eternity.

Traditionally, the nature of the Torah has been expressed so as to include both a dynamic and a static element. We are all familiar with the oft-quoted group of *aggadot* illustrating the paradoxical statement: “Whatever a veteran student of the law is destined to innovate has already been said to Moses at Sinai.”¹³ The very same understanding is expressed in later generations, as in Rabbi Hayyim of Volozhin’s view of the act of learning Torah as the opening of God’s mouth and having Him, as it were, learn His Torah according to the ongoing interpretations devised by its students.¹⁴

It is true that, throughout the generations, varying degrees of emphasis have been placed alternately on the dynamic element or the static. The *Hatam Sofer*, for example, could be taken, on the surface, as an arch conservative who played down the dynamic element with his famous misapplication of the adage: “*Hadash assur min ha-Torah.*” Similarly, the Lithuanian *yeshivah* ideology, as propagated in the Musar movement by disciples of Rabbi Yisrael Salanter from the late 19th century to the present day, also tends very much in the reactionary direction by interpreting the principle of *Eminat Hakhmamim* (Faith in the Sages) to mean the elevation of the spiritual status of *Hazal* and subsequent religious authorities to super-human proportions. But it would be folly to suggest that even these circles have been impervious to change in precisely the area under discussion — i.e., the status of women. If one were to compare the level of education and degree of involvement in

society of the Jewish woman of 200 years ago and that of her counterpart today, even in the most observant circles, one could not deny the effect of sociological changes in the status of women in society upon what is taking place even in the bastions of Jewish conservatism. "True," the impatient feminist will exclaim in disgust, "but look at the pace!" And obviously those changes do leave certain circles of women today with a vast gap between where they are situated, and what Halakhic change has as yet included. But the dialectical relationship between the fixed nature of Halakhah and the vicissitudes of life produces, inherently and inevitably, a *gradual* evolution, which one might easily justify as a safety valve in distinguishing between passing fads and more permanent changes which demand taking into account. Therefore, for those interested in preserving the integrity of Halakhah and legitimizing changes in a manner authentic to the system, the question of the exact mechanics of the dialectic is crucial. The practical question (how the change is to be effected), as well as the theological one (what room is there for change altogether) must both be faced squarely.

In this connection, two relevant passages in the writings of Harav Kook are particularly illuminating and useful as explications of the fine line to be drawn between valid and invalid methods of Halakhic change. Despite the fact that Harav Kook was a Jewish thinker who, perhaps more than any other, glorified the element of dynamism in every facet of life as the substantive link between the world and God (and for this reason has, incongruously, become the darling of many would-be reformers), he nevertheless expressed several important qualifications regarding the mechanics of the Halakhic process of change.

The first passage reads as follows:

"Sometimes, when a need arises to modify a dictate of the Torah, and there is no one in the generation who can show the way, the matter is effected by means of a spontaneous breaking of bounds (*hitparzut*). Nonetheless, it is best for the world that this outbreak should appear inadvertently, and this is the basis for the dictum: "Better that transgressions be committed inadvertently than wilfully." Only when Israel is blessed by prophecy can such a matter be rectified by temporary edict (*hora'at sha'ah*). Then the change is legitimized and becomes an evident commandment. But when the light of prophecy is obstructed, this remedial process is effected by a long-term breach of the law which pains the heart because of its external form, but gladdens it because of its inner significance."¹⁵

The second passage was written in the context of an ongoing correspondence regarding the Torah's implicit compliance with the institution of slavery.¹⁶ In the letter preceding the one which contains our passage, Harav Kook justified this compliance, on the grounds that the Torah necessarily related to a period when people were not yet morally ready to give up slavery; thus, Torah regulations had to be provided to make this institution as just as possible, while weaning humanity to higher levels of morality. On the basis of these remarks, Harav Kook's

correspondent evidently drew the conclusion that Harav Kook believed in an evolving Torah that changes with the times. Harav Kook begins his response by vociferously rejecting this contention, making the distinction between an irresponsible, undirected form of evolution, and an evolution that is already directed to a predefined goal, and asserting that his understanding of the nature of Torah attributes to it only evolutionary developments belonging to the latter category. It is for this reason that the truth of Torah can only be revealed when the People of Israel — the vessel designed for conveying Torah in this world — resides in its entirety in the land of Israel, equipped with all of the physical and spiritual structures necessary for its existence. These include the revival of the Oral Torah, in the form of a recognized Great Court (*Bet Din*). Under these conditions, any discrepancy between what — according to prevalent moral conceptions — should now be the understanding of any particular ruling of Torah, and what had been previously accepted as the correct interpretation, has every chance of being corrected. If the Great Court truly concurs that the previous ruling was intended for conditions that no longer obtain, Harav Kook has no doubt that it will succeed in finding a source for this in the Torah. He then adds his belief that the convening of the external factors that prompted the new interpretation, and the reinstatement of the power of the *Bet Din*, and their ability to find a valid Torah source on which the revision can be based, is not a chance occurrence. This insures that the changes to be made are consistent with Torah's eternal goals and values.

What can we learn from the above passages? Undoubtedly, they do bear a revolutionary dimension. Harav Kook, of course, was not the first to frankly admit to the possibility of a chasm arising between Halakhah and life that dictates the necessity for change and development. Maimonides before him already noted that a perfect fit cannot always be achieved between the general, definite and unconditional nature of the Law, and the exceptional circumstances of individual situations,¹⁷ and the Law prescribes procedures for making adjustments which take into account, when necessary, the vagaries of real-life situations, while striving to maintain continuity with an ideal Law that is constant and immutable, and preserving its integrity.¹⁸ But what is remarkable in Harav Kook's position is the unique theological justification he provides for such eventualities. Harav Kook's sanctioning of change does not consist of viewing it merely as a pragmatic compromise with the real world and its imperfect demands, but rather of the notion that history, and particularly what happens to the Jewish people — the ideas and forms they accept as well as the ones which they reject — is essentially another form of ongoing revelation, a surrogate prophecy. The idea that the providential convening of the appropriate historical factors is God's way of relating to the gradual progression of

humanity's spiritual development is a key element of Harav Kook's thought.¹⁹

However, Harav Kook does not legitimize indiscriminate revision of the halakhah. The first passage refers specifically only to temporary edicts regarding the written Torah (which would normally be relegated exclusively to the authority of the prophet), and not to permanent reforms (which are beyond even the prophet's power of decree).²⁰ The second passage speaks only of reform which is motivated by greater standards of stringency or refinement in the application of moral norms. Nevertheless, his remarks are enlightening to our discussion because they provide an accurate empiric description of how halachically acceptable revision does indeed take place.

In this connection, it must be noted that in neither of the two passages is Harav Kook advocating conscious reform. He does not view the Halakhic process of change as being effected by some sort of democratic concilium deliberately settling certain policies in advance, to manipulate vital life forces by channeling them into a new, improved direction. In the first passage he explicitly views change as a matter of *b'diavad* (*ex post facto*), with Halakhah panting after certain facts of life, catching up with and legitimizing them only after they have already been incontrovertibly established in practice. This proviso is confirmed at the end of the second passage cited, when Harav Kook warns against attempts on the part of the individual (or the minority group), that has already reached a level of heightened morality, to impose its standards on the majority in the form of a general prescription, before conditions requisite for implementing formal Halakhic change obtain. Until that time, nothing is to stop the individual from privately assuming higher standards for himself; imposing them on the public at large can only cause harm.²¹

Harav Kook did not relate the above ideas to the question of the status of women, and the little he had to say about the position of women in Halakhah conforms very conservatively (some might say most disappointingly) with previous traditional conceptions.²² Nevertheless, if we were to translate his remarks into a practical prescription for resolving the feminist issue, his remarks cannot be taken to encourage the formation of lobby groups to pressure Halakhic authorities to change the law *carte-blanc*. This approach is foreign to the Halachic system. Broad general policies come about by a gradual build-up of individual responsa addressed to individual cases and gaining a cumulative effect.

Admittedly, during certain periods in Jewish history, when the Jewish people were more united in their acceptance of Halakhic authority, there have occasionally arisen individual *poskim*, possessed of a certain vision, who felt free enough to take initiative and foresee certain processes which in their opinion were destined to become crucial to the

development of Halakhah — e.g., some of the *takkanot* of *Rabbenu Gershon Me'or Hagolah*. But the very possibility for the emergence of such leadership is dependent upon an initial unity of purpose between the Halakhist and the community he is addressing. Thus, in a generation such as ours, where Halakhic authority is so fragmented and there is no one *posek* who is generally accepted by all, the general tendency is towards extreme conservatism, out of the concern of each *posek* that he will be thought of by his colleagues as a *zaken mamreh* (rebellious elder).

The fact that this “political” consideration is also a factor to be taken into account in Halakhic decisions is illustrated by Maimonides’ ruling regarding *gezerot* and *takkanot* in the following manner: in his *Hilkhot Mamrim* he first writes that “If a *Bet-din* decrees a *gezeira* or initiates a *takkanah* and establishes a practice that is generally accepted by all of Israel, and another *Bet-din* arises and wishes to revoke the previous decision...it cannot do so, until it is greater in wisdom and in numbers...*Even if the reason which brought to the previous decision is no longer valid*, the second *Bet-din* cannot revoke the decision (of the former) until they are greater.” But then Maimonides goes on to ask: “And how can they be greater than the former *Bet-din* in number, if every *Bet-din* numbers seventy-one? His answer: “They are greater in number according to the number of *Hakhamim* (wise men) in the current generation who accept what the *Bet-din* decrees and do not challenge it.”²³ In other words, the degree of general consensus amongst Halakhic authorities of the current generation is so important an ingredient in the process of formalized Halakhic adjustment, that, without it, even considerations of timeliness or relevance bear negligible influence.

The disintegration of Halakhic authority serves to diminish the flexibility of the *posek* in yet another manner. So long as popular religion functions according to internalized religious standards, and responds spontaneously to these values as well as to socio-economic stimuli, the live tradition of the people and their intuitive religious sensibilities, even when arrived at via methods independent of the fine points of Halakhah, could be regarded as a *bona fide* element in Halakhic deliberation.²⁴ But a peripheral group on the outskirts of Torah observance obviously will not directly affect the state of affairs in the heartland, not only because the Halakhist addresses himself primarily to those who accept his jurisdiction, but because the common practice of dissident groups can hardly be regarded as the wellspring for living Torah. We may view the impact of feminism on Judaism as an example of change which corresponds to the model presented in the first passage of Harav Kook cited above (i.e., a temporary force imposed upon normative Judaism from without), or we may view it more charitably in accordance with the more positive model presented in the second passage (i.e., as indication of the readiness of Halakhically observant Jews to voluntarily

accept higher levels of moral sensibility). But given the Halakhic reluctance *vis-a-vis* premeditated, deliberate reform, it would seem that the path open to would-be Orthodox feminists either way lies not in pressuring for, but in genuinely *being* a new type of woman who is so inextricably entrenched in the change that this becomes a factor to be taken into account in determining Halakhic decisions, yet is so firmly and palpably committed to Jewish tradition that the Halakhist is forced to take her and her problems into account. The more that popular practice attaches itself to the authority of Halakhah and religious traditions, the more the *posek* is called upon to mediate between the Halakhah of the written sources and the living tradition of the people, and the less he can get away with presenting a model of behavior which caters merely to the select minority that succeeds in maintaining the codified standards of the past.

Even when the dialectic between the codified tradition of the written sources and the live tradition of popular practice functions at an optimal level, not everything is possible. Many suggest that women's learning is an essential key to any solution of their problem. But this is not only — as some feminists would imply — because women would then have the tools to devise solutions which exist *in potentia* in the Halakhah, but which male legislators have failed to employ, since, quite naturally, women's needs are either misconstrued or take second place in their order of priorities. It would also make evident the constraints placed on the Halakhah to change as they wish. There is probably much to be said in favor of the argument that if women today were *poskim*, the Halakhah would look different. But hopefully this would be limited to questions of implementation and not to questions of principle, because ideally the *posek* strives to remain uninfluenced by the outcome of his decision.

The long time that it has taken to properly and effectively solve the problem of Jewish women being blackmailed by husbands who refuse to give them a *get* (halakhically proper Jewish divorce), reflects the continuing tension between the Law as it is, and the world as it is, and not any bias or animosity by male *poskim* against Jewish women — and particularly observant Jewish women, for whom a *get* is so critical to their ability to get on with their lives. Halakhah does not change easily, and particularly not through broad theological pronouncements — and it should not, if it is to serve its function of governing us rather than having us govern it. Halakhists do not see themselves as innovators, but as mere interpreters of the law, using the sources at their disposal with as much intellectual integrity as they are capable in order to apply them to constantly evolving situations.

This may seem a bitter pill for some women to swallow, but if one is to accept Harav Kook's understanding of history as a form of revelation, the recognition of certain absolute limits existing in Halakhah

need not be regarded as an insuperable obstacle to its acceptance. Just as belief in history as revelation allows us freedom from the constraint to be bound by a particular interpretation of a Halakhah as it has been explicated in the past, it also ought to reinforce our faith that none of the practical, absolute limits to this freedom have appeared by chance. Thus, with regard to women's equality claims, it may be noted that the phenomenon of role stratification exists even in the animal world — with one gender instinctively adorning itself and the other functioning as breadwinner. The likelihood is that there is vital anthropological purpose buried in these *Halakhot* regarding women, of which we are not sufficiently aware.²⁵ Thus, for the believing Jew, both the flexibility remaining within the constraints, as well as the absolute nature of the constraints themselves, are a matter of Divine Providence. Moreover, anyone having faith in the eternal nature of the Torah will believe that, given revolutionary developments in society, a way will nevertheless be evolved by *poskim* to take these developments into account in such a way that our emerging feelings will find palatable forms of expression.²⁶ The old and canonized formulae will no doubt be retained — such is the way of Torah. But the manner of practical interpretation will be determined by the demands of the new reality. What remains in the meantime, for those uncomfortable with the traditional view of women, is learning to live with a certain uneasy split between the letter of the law and its purported intent. This, however, may be accompanied by exploiting to the maximum whatever avenues of self-expression and status are already feasible within the law, even when this entails a certain degree of tension with the image of women previously conceived by its spirit.

If women cannot now assume the active role of a *Sh'liah Zibbur* in public prayer,²⁷ they still have the choice of forming their own *Tefillah* groups,²⁸ as has been the practice for decades in many Orthodox girls' schools. If the testimony of women cannot be accepted as such in the rabbinical courts, such testimony can be defined by another name, and accepted as non-testimony which must nonetheless be considered, as is the practice in the urgent cases of *Agunot*. If women are not allowed to issue a writ of divorce, they may initiate prenuptial agreements which will invalidate the marriage or pre-arrange an acceptance of divorce given under mutually agreed upon conditions.²⁹ If Rabbi Eliezer in Talmudic times established that "he who teaches his daughter Torah teaches her frivolity,"³⁰ the *Hafez Hayyim* more recently added³¹ that "better this frivolity than that of another sort," thus opening up the floodgates for maximal exploitation of this observation, to include the study of Oral Law at its most rigorous, and the creation of women's *yeshivot* now mushrooming in Israel and elsewhere. If the authorized version of the morning prayers require women to bless God merely for the fact that He created her "as He wished," as opposed to the

men who bless Him for specifically creating them as males, nothing prevents women from accompanying this blessing with the thought: "O.K. God. The men made up this one because they thought that they were so important, and that surely is the historical reason for this blessing's existence. But You and I know better, and that the real meaning is that You *had* to create *them* as men, with all the weaknesses that accompany maleness (needing a constant false assurance of superiority, etc.), but You created me just as you wished — a perfectly secure and self-sufficient human being." If serving as a judge or public leader violates "the dignity of the community" (i.e., casts aspersions on the competence of its males, who are reduced to placing a female at their head), the *Rishonim* already provided an escape route in one of their rationales for Deborah the prophetess serving as judge — i.e., that if the community voluntarily accepted her leadership, this is sufficient indication that it does not regard the fact that she is a woman as a negative reflection upon itself.³² This argument was indeed one of those used by Chief Rabbi Uziel (in opposition to Harav Kook's stance) when relating to the issue as it arose in the context of women's voting in the general elections of the new Jewish *Yishuv* in 1918.³³ And if it can still be regarded as true that "all the glory of the woman is contained within," this must not, for practical reasons, prevent the woman who has chosen to support a husband, dedicated to the study of Torah, from ensuring the glory of her household within by every possible sort of employment outside the home, including such public functions as teaching, banking, law, and the like. Even the action of a Canadian group of women³⁴ who, incensed at the attempt on the part of one man in their community to extort blackmail money from his wife in return for granting her a divorce, declared *en masse* that they would refuse to go to the *mikvah* until the husband came forth with the *get*, is not devoid of food for thought. As a general solution, the need to resort to such manipulative tactics in order to redress injustice is obviously unsatisfactory. But it is an example of the type of short-term solution that can be initiated by women in order to gain a grass-roots momentum with long-term effects.

There is a certain inner logic to tradition that the committed Jew hesitates to tamper with casually or wholesale, without extreme sensitivity to, and respect for, the values it embodies. So that when some aspect of that tradition, such as the status of women, appears in a certain setting as anachronistic, unjust, educationally unsuitable, or the like, the solution consists of the specific women involved using their imagination to discover some unconventional method of *modus vivendi* with the tradition. To the extent that their solution is valid and addresses itself to a more widespread concern, the likelihood is that it will eventually become institutionalized and recognized as a genuine factor

in Halakhic deliberation. And this is the reality which is evolving under our very eyes.

NOTES

1. *On Women and Judaism — A View from Tradition* (Phila.: The Jewish Publication Society of America, 1983).

2. See Samuel Morell's review essay (of J. Katz's *Goy shel Sabbat*): "The Role of Popular Religious Attitudes in the Shaping of Halacha," in *Conservative Judaism*, vol. 4, Summer 1984: 96.

3. *Ibid.*

4. *Shabbat* 33b; *Kiddushin* 80b; *Psalms* 45:14 and *Shavuot* 30a.

5. See his *Ma'amar al Odot Drashot Hazal*.

6. See what Maimonides has to say in connection with the misguided opinion of *Hazal* that the motions of the celestial spheres produced mighty and fearful sounds, in *Guide of the Perplexed*, II, 8: "for speculative matters every one treats according to the results of his own study, and every one accepts that which appears to him established by proof." See also Maimonides' *Iggeret T'hiyat ha-Me'itim* (Jerusalem: Mossad Harav Kook, 1960), pp. 371-3.

7. See *Shmot Rabbah* on *Shmot* 4:27 and 20:2; *Midrash Hagadol* on *Shmot* 9:19.

8. *Guide of the Perplexed*, III, chapter 32.

9. See *Mishneh Torah*, *Hilkhot Me'ila*, 8:8.

10. *M. Sota*, 9:9.

11. The reason given in this case for retaining the norm is: "Take care to preserve the custom of your forefathers" — see *Bezah*, 4b. Note further the dissension between Maimonides and the Rabad at *Hilkhot Mamrim*, II, 2 and the comments of subsequent interpreters. The issue is complicated. Sometimes when the reason does not apply, the *takkana* or *gezera* does become defunct. At other times it does not. Much rabbinic literature is devoted to ascertaining the principles involved.

12. See *Bava Me'zia* 59b, regarding the incident of *Tanur Akhnai*, where, despite the fact that Rabbi Eliezer had very good reasons for preferring his opinion, he was nevertheless forced to acquiesce to the principle of following the majority. A similar case appears in *Rosh Hashanah* 24b-25a, regarding the determining of the New Moon.

13. *Hagigah*, chapter 1; see also *Menahot* 29a.

14. *Nefesh Hahayim*, *Sha'ar* 4, chapter 6.

15. *Arpilei Tohar* (first edition, Yaffo, 1914), p. 11.

16. *Iggrot Re'aya*, I, pp. 103-104.

17. *Guide*, III, chapter 34.

18. *Ibid.*, III, chapter 41.

19. See also *Iggrot Re'ayah* I, pp. 105-107.

20. It is only fair to note that in pointing to this conservative proviso in his remarks, I am glossing over another still more extreme and radical conclusion buried in this passage: i.e., that sometimes the Divine will regarding the future course of Halakhah is conveyed specifically via its transgressors! The existence and significance of this anti-nomistic implication did not escape the notice of Harav Kook's disciples, who attempted to soften its impact in the second edition of *Arpilei Tohar* — published after his death (Jerusalem: *Hamakhon al Shem Harav Zvi Yehudah Kook*, *zazal*, 1983), p. 15, by substituting for the term "because of its external form" with "because of its intrinsic nature" and for the term "because of its inner significance" with "because of its use" — in the attempt to distance the essential nature of the outbreak from any substantive connection with its beneficial effects, and to depict it as merely an arbitrary means.

21. This piece of advice also serves as a crucial antidote to the previous passage, which makes peace with some "breaks with the law" committed by non-observers, by

making a distinction between how the law-abiding Jew is to relate to those breaches that have already been established by illegitimate means, as opposed to how he is to relate to potential reforms that he might initiate personally.

22. From the context of the above-quoted passage, it would appear that the issue that concerned Harav Kook here was the relationship of the observant Jew to secularism in general and to the Zionist movement in particular.

23. *Mishneh Torah, Shoftim, Hilkhot Mamrim*, chapter 2, halakhah 2.

24. See J. Katz's *Sabbath Goy* (Jerusalem: The Zalman Shazar Center, 1983) for an exemplary illustration of this theme.

25. The anthropologist might well interpret the rabbinic paradigms of role specialization between men and women as an effective way of ensuring preservation of the species, by sociologically re-enforcing the biological tendencies of the male — aggressiveness and pursuit of the female — through man's work, study and ritual roles, while assigning to women the child-rearing role. According to this view, any confusion or ambiguity in roles, and any role reversal, would risk inducing "feminization" and passivity in the male, with adverse impacts on this process and objective. The establishment of basic gender distinctions in Jewish law does not require rigid imposition on all fronts; a woman is *allowed* to observe positive time-bound commandments if she so wishes. But a rock-bottom paradigm is nevertheless set by not *obligating* her to do so. Such psychological or anthropological findings only serve to enhance possibilities for a sympathetic interpretation of the traditional point of view.

26. An example of such optimistic faith in the ability of halakhah, via the help of Divine Providence, to relate to the vicissitudes of history and the ever-changing demands of human civilization, is provided in the second passage of Harav Kook quoted above.

27. See the exchange between Michael Broyde and Judith Hauptman in this issue.

28. Reservations are being expressed, however, regarding the insistence of Jewish women upon mimicking male forms of spirituality, which reflect the debate in the feminist movement at large as to whether "equal" means "same" — see Joel Wolowelsky's paper in this issue.

29. This suggestion now has, in principle at least, the chance of becoming common practice in view of the recent decision adopted by the Rabbinical Council of America to require the use of prenuptial agreements in all marriage ceremonies.

30. See M. *Sotah* 3:2.

31. This is according to oral testimony. See also his *Likkutei Halakhot* on *Sotah*, 20a.

32. See the *Ra'N* on *Shavuot*, beginning of third *perek*.

33. See *Shut Mishpetei Uziel*, *siman* 6, page 34.

34. As related by Blu Greenberg in "The Feminist Revolution in Orthodox Judaism," *Lillith* (Summer 1992): 11-17.

“In Any Case There Are No Sinful Thoughts” — The Role and Status of Women in Jewish Law as Expressed in the Arukh Hashulḥan

SIMCHA FISHBANE

Jewish woman, who knows your life?
You come in the darkness and never see the light,
Your woes and your joys, your hopes and desires,
Are born within you and you die unfulfilled;
Daughters of other people and tribes
Enjoy some pleasure and comfort in this life
But the fate of the Jewess is eternal servitude.
(Y.L. Gordon, “*Kotzo shel Yod.*”
Translated by Michael Stanislawski in *For Whom Do I Toil*
[Oxford University Press, 1988], p. 125)

Introduction

THE FEMALE STRUGGLE FOR SELF-dignity in the latter part of the nineteenth century did not bypass Eastern European society. Indeed, the secular Jews of that era, seeking to adopt non-Jewish cultural traits and values, also sought to incorporate the changing status of women into their ideologies. This secular Jewish view is well represented by authors and poets of the Jewish East European Enlightenment such as Y.L. Gordon¹ and Y.L. Peretz,² who argued for the emancipation of the Jewish woman.³

This developing advocacy for female emancipation confronted the halakhically observant community with a new challenge, although this was a predicament no different from other new secular issues facing the Jews of the time, such as the new technology manifested in the industrial revolution. The question of change in the Jewish woman's role and status could not be isolated from the total Orthodox *weltanschauung*. The Orthodox community was forced to respond, although it did not cease to polemicize in favor of “the mythic structure of rabbinic Judaism.”⁴ The problem that challenged the halakhically observant community was whether the values espoused by modernity were to be incorporated into halakhic Judaism. The issue was whether the boundaries between the Orthodox community and the rest of society were to be demarcated more sharply, with a demand for even greater attention to traditional behavior, or whether it was possible to consider social and religious modification,

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in view of a changing reality. The resolution of this issue would have to be manifested through halakhah. More clearly demarcated boundaries would mean more stringent rulings and the disregard of new social realities in favor of halakhic decisions from earlier periods in history. On the other hand, the endorsement of the new social reality would be expressed by permitting it to be incorporated into the halakhic decision process as well as through halakhic leniency.

Most rabbinical authorities of late 19th century Eastern Europe adopted a stringent halakhic position that, in most instances, ignored modern developments and innovations.⁵ Their traditional stance regarding the female role and status did not alter. Her place was in the home as an uneducated wife and mother.⁶ Women were considered “lighthouse-headed” and not capable of dealing with issues relevant to the man’s world, especially halakhah and its logic. Women were considered physically inferior even in areas such as hygiene. Brayer⁷ describes the observant East European woman as, “usually referred to simply as the wife of her husband.” There were, however, rabbinical authorities who had the boldness, while not deviating from the normative Orthodox halakhic system of adjudication, to accept and incorporate the changing social reality. Representative of this view was Rabbi Yehiel Mekhel Halevi Epstein (1829-1908), the author of *Arukh Hashulhan*, an eight-volume legal text dealing with all sections of the *Shulhan Arukh*.

This essay will examine the attitude of Rabbi Epstein toward the female role and status, as expressed in *Arukh Hashulhan*. Methodologically, in approaching the analysis of the issue of women in the *Arukh Hashulhan*, one cannot isolate this topic from the overall world view of Rabbi Epstein. For example, Rabbi Epstein did not accept rulings that he felt ignored the prevailing time dependent culture. In those instances where the halakhah discussed issues where social reality would make a difference, Rabbi Epstein differentiated between the conditions of “those” times and his era. In his rabbinic rulings, we find that his view of the role of the woman represents his understanding and attitude toward a community in a time of change. In addition to the ideologies of the *Haskalah* and socialism, which unquestionably exerted a liberalizing influence on Rabbi Epstein’s social outlook, his cognizance of, and sensitivity toward, women (representative of modern issues in general) appear to have been rooted to a large degree in his personal history.⁸ Although Rabbi Epstein did express a sensitivity to the status of the Jewish woman of his time, one cannot call him in today’s terms a “feminist.” Rather, he attempted to express his social reality within the strict framework of Jewish law, and not argue for theoretical issues that were not relevant to his time and milieu.⁹

Rabbi Epstein’s *weltanschauung* concerning women is depicted in his writings — implicitly through the structure of his rhetoric, and explicitly from the content of the codes. To examine Rabbi Epstein’s teaching on women, I have selected representative cases, explicit and implicit, from

his work, the *Arukh Hashulhan*. Furthermore, I have classified Rabbi Epstein's rulings into two categories. First, there is his halakhic rationale, where he offers alternative interpretations for decisions, but does not differ from his rabbinical peers in his rulings as such. Second, there are those cases where he differs from other contemporary halakhic legislators not only in rationale, but in his rulings.

a. *Rationale*

The laws of *tefillin* (phylacteries) (*Orah Hayyim* 38, paragraph 3) state that not only are women exempt from wearing *tefillin*, but if a woman desires to perform this ritual regardless, the rabbis object to it. The author of the *Mishnah Berurah*, Rabbi Israel Meir Hachohen Kagan (1838-1933), a contemporary of Rabbi Epstein,¹⁰ whose decisions emphasize written rulings of earlier rabbinical authorities as a basis for his judgements rather than explicit consideration for his social reality as such,¹¹ explains the prohibition (sub-paragraph 13) as follows: "One needs a clean body (a basic requirement to be permitted to wear *tefillin*¹²) and women are not sufficiently alert (*zerizot*) to respond with caution [to keeping their bodies clean]."¹³ According to the *Mishnah Berurah*, then, men are better able to safeguard their bodies against uncleanness, and thus only men may don *tefillin*. Rabbi Epstein does not accept the rationale that in this case women are inferior to men. In Paragraph 6, while not disputing the law that women are prohibited from wearing *tefillin*, he explains that it is difficult for both men and women to comply completely with the proper hygiene required by the law of *tefillin*. While men also have difficulties with proper hygiene, they are required by Jewish law to don *tefillin*, so there is no choice in the matter. Even with men, the law reduced this obligation from all day to mere minutes during the morning prayer service, because of the problems of maintaining the proper hygiene. Rabbi Epstein argues further that since "women are in any event exempt, why should they place themselves in such a position [by wearing *tefillin*]?"

A second example is found in the laws of Hanukkah (*Orah Hayyim* Section 670, Paragraph 1). There it states that it is customary for women not to work while the Hanukkah candles are burning. Rabbi Kagan in his *Mishnah Berurah*, commenting on this law (sub-paragraph 5), discusses the custom for women not to work the entire day (quoting an earlier rabbinical authority, *Hakham Zvi*), and explains that this is discouraged since "idleness is a sin which breeds boredom [and leads to immorality]."¹⁴ Rabbi Epstein also discusses this custom (Paragraph 8). However, rather than proposing the traditional explanation, he states that "We have not heard of these customs, and our women do not work only during the time the candles are burning." The *Arukh Hashulhan* preferred not to categorize the women he was acquainted with as inferior persons based on principles of another time and social order.

In the next section (671), Rabbi Epstein discusses women's obligation to light Hanukkah candles. Although he states that women's obligations are the same as those of men, he hesitates to permit them to light candles. He states that he has never heard of a custom where women light candles and that, in reality, the father lights candles for the entire family. In contrast, Rabbi Kagan in his *Mishnah Berurah* (Section 675 sub-paragraph 9), discussing the same issue, states that "women should not light [for themselves] for they are inferior (*tefeilot*) to men." He further emphasizes his view in his parallel commentary, *Bi'ur Halakhah*, where he applies the halakhic principle that women should not light for their families, for "A curse (*me'irah*) on a man whose wife and children bless for him."¹⁵

Thus, we see that the two *poskim* differ in their decisional approach regarding women. Rabbi Kagan is only concerned with the opinions of earlier rabbinical authorities, regardless of whether their statements are relevant to the custom and behavior of women in his era. Rabbi Epstein bases his halakhic rationale upon the prevalent customs of his time and women's personhood.¹⁶

We will bring another illustration that cannot be classified as merely a difference in rationale, but as an additional example of Rabbi Epstein's sensitivity to his reality and women's place in his religious social order. In the Laws of *Shabbat, Oraḥ Hayyim* 274, the rabbinical authorities state that two loaves of bread (*lehem mishneh*) are required by both men and women at the Sabbath meal.¹⁷ Although reasons are offered to explain why women have this obligation, no additional comments are offered. Rabbi Epstein (paragraph 4) commences with the emphasis that the obligations for men and women are "equal" in all Sabbath laws, and therefore women are also obligated in *lehem mishneh*. He continues by stating that even if it is possible to give everyone at the meal two loaves, women are not given them. His explanation is that, where it is not the custom to give the male participants two loaves (and it is preferable that they not be given such), only the head of the household should "break the two breads." This act, thus, should take place only after everyone participating in the meal has performed the ritual of washing the hands and has been seated. Rabbi Epstein was aware that women were often excluded or ignored in questions of religious ritual, and were frequently overlooked by the head of the household during this ritual. The *Arukh Hashulḥan* thus strongly emphasizes that the head of the household must wait for the women to also be seated before breaking the bread.

b. Differences in Rulings

An additional example of Rabbi Epstein's realistic approach to the community's life style is illustrated in his discussion of the woman's role in inspecting one's dwelling to ensure that it is clean of unleavened bread (*ḥamez*) before Passover. Following his literary pattern, Rabbi Epstein first

cites earlier halakhic sources which viewed women as lazy and simple-minded and therefore not to be trusted to check for *ḥamez*. He then declares: "Today, our women inspect even better [than men] and probe after even a particle of bread. Indeed, they wash and clean every spot and they scrutinize more carefully than do the men" (*Orah Hayyim*, Section 437, paragraph 7). Other contemporary rabbis, such as the author of *Hayyei Adam* and Rabbi Kagan, adhere to the first view cited in *Arukh Hashulhan*. For example, Rabbi Kagan writes (Section 437, sub-paragraph 18): "Nevertheless it is preferable that one should not order them [women] to inspect [for *ḥamez*] for it is a lot of work, and we must be concerned that they will be lazy."

A second instance from the laws of Passover where Rabbi Epstein recognizes the role of women is expressed in his code (*Orah Hayyim*, Section 473, paragraph 6). In his discussion on washing the hands at the Passover Seder, he writes: "The head of the household should not pour [the water over his hands] himself, but rather another [should pour], for this is the expression of freedom. We are not careful about this rule, for it appears as great deception [for a husband] to order his wife to pour [water over his hands]. Indeed, the husband is not preferred over the wife..." Although this implies that the accepted custom was for the wife to pour the water over her husband's hands (based upon the statement of *Rama* (Rabbi Moses Isserles, 16th century Ashkenazi halakhist) that the head of the household should not pour the water himself), the other adjudicators were not bothered by the issue and ignore the subject of the woman's "freedom." Rabbi Epstein is concerned with this issue, and thus he suggests a difference in halakhic opinion.¹⁸

A third instance pertaining to Jewish law and women is found in *Arukh Hashulhan*, *Orah Hayyim*, Section 75, Paragraph 7. In the discussion concerning the obligation of married women to cover their hair in the presence of men reciting the *Shema* prayer, because the "sight of a woman's hair is impropriety" (B.T. *Berakhot* 24a), Rabbi Epstein writes:¹⁹ "As to the law, it seems it is permissible to pray and recite blessings in front of their bare heads, since now most go this way and there is no difference from the other visible sections of her body...with regard to an unmarried woman, who normally goes with exposed hair, we do not fear, for there is no [sinful] thought. Since with us the married also do this [i.e., go with uncovered hair], there are no sinful thoughts." In contrast to most rabbinical authorities of his era, Rabbi Epstein was aware of his reality and of the fact that halakhah is an ongoing process. He was thus prepared to rule that exposed women's hair is not an impropriety.²⁰

In the parallel discussion in the *Mishnah Berurah*, Rabbi Kagan expresses the opposite view. Citing the opinions that forbid a married woman to expose her hair, he states, "Furthermore, even if it is the normative behavior of this woman and her friends in the same location to go with

uncovered hair in public as do the wanton ones, it is forbidden" (sub-paragraph 10).²¹

Rabbi Epstein was prepared to recognize that halakhah cannot be removed from social reality. He therefore incorporated his world view into his adjudicative procedure, and was prepared to take into consideration the reality that many married women appear in public with uncovered hair.

His treatment of the laws pertaining to a woman wearing jewelry in a public domain on the Sabbath demonstrates Rabbi Epstein's perception that social reality must be an integral component of the halakhic adjudication process. According to most rabbinical authorities up to the era of Rabbi Epstein, it is not desirable that women wear jewelry in public on the Sabbath.²² *Arukh Hashulhan* commences Section 303 by clarifying the different arguments for prohibiting this practice. The basis of the earlier rabbis' rulings was that women might, for instance, remove their jewelry in order to show it to others, and thus might carry the jewelry in a public domain. Rabbi Epstein first cites a principle that "since they [i.e., the women in this case] won't abide by our [the rabbinical authorities'] decisions, it is preferable that they err unintentionally rather than to sin intentionally." Therefore, the rabbis should remain silent on the issue. Not comfortable with this halakhic avenue, Rabbi Epstein cites other lenient views. Quoting *Rama*, he writes that "a different reason can be advanced. Since today jewelry is common, and [women] wear it in public even on the weekdays, we are not afraid that they will remove and display the jewelry as in the [ancient] era, when it was the practice to wear it in public only on the Sabbath" (Paragraph 22). Rabbi Epstein presents three other justifications for a woman to wear her jewelry in public on the Sabbath. Not persuaded that these are irrefutable, he advances his own rationale. In earlier times, it was only on rare occasions that women left their houses, and they would therefore not meet other women. This, says the *Arukh Hashulhan*, was because they seldom visited the homes of other women and they did not even have synagogues to visit. When they did go out, they would cloak themselves in sheets. Thus, the possibilities for social interaction were limited and, when they visited friends on the Sabbath, they might flaunt their jewelry to their friends or remove it to show others. "But now," writes Rabbi Epstein, "our women are more frequently outside in the streets and the market place. Furthermore, they [frequently] visit each other and have a women's section of the synagogue, where they regularly see each other and display their jewelry in friends' homes and in the synagogue. Certainly their practice is not to remove their jewelry in public to show their friends. Since they do not do this on weekdays and on holidays [when it is permitted to carry], why should we be concerned on the Sabbath? This ruling is accurate and clear." While the halakhic basis for the law was dependent upon the woman's behavior, for Rabbi Epstein it was not sufficient to rely only upon other prior, or even contemporary written

sources. Social reality was an important factor in guiding his decision-making.²³

The laws (Section 271) concerned with the Friday evening *kiddush* (ritual using wine to sanctify the Sabbath) further elucidate Rabbi Epstein's approach. In the various compilations of halakhah, the discussion is put forth whether women's obligation to hear the *kiddush* is Biblical (*de'oraita*) or rabbinical (*de'rabanan*). A ramification of this deliberation is whether a woman can recite the *kiddush* for her family. Although on the surface there can technically be no objection to the female's equal status in the laws of *kiddush*, the *Mishnah Berurah* (sub-paragraphs 3-4) recommends an alternate conclusion with sociological implications for the Jewish woman: "Nevertheless, it is initially preferable that one be stringent in not having a woman make [*kiddush*] for men who are not members of her family, for this is disgraceful (*zila milta*)."

Rabbi Epstein (Paragraph 5) opts to approach the subject differently. He stands on the premise that men and women have equal rights and obligations in the laws of *kiddush*. Furthermore, by employing earlier rabbinical authorities, he refutes Rabbi Kagan's argument. Rabbi Epstein argues that the concept of *zila milta* (disgraceful) only applies to a public ceremony, such as the reading of the *megillah* in the synagogue. There is no disgrace for a woman to lead her family and others in the confines of her home in a Jewish ritual.

In the subsequent paragraph (6), Rabbi Epstein emphasizes that a woman can only discharge the religious obligation of a man if their obligation is equal or if her obligation is greater than his. This latter possibility can arise when the man prays the Friday night prayers, thereby fulfilling his Torah obligation "to sanctify the Sabbath," and the woman does not pray.²⁴ In nineteenth century Eastern Europe, this type of situation was a common occurrence in the observant Jewish home. Rabbi Epstein, aware of the quandary in his society, writes: "Under these circumstances, we nonetheless remain in a perplexing predicament (*lo mazinu yadeinu v'ragleinu*) in all the families where the head of the household makes the *kiddush* and discharges the obligations of the wife, daughters and daughter-in-laws." Rabbi Epstein resolves the difficulty by applying the halakhic concept of one Jew's responsibility for another, so that even if the man has fulfilled his Torah obligation, he can assist the other members of the family to fulfill their *mizvah*. The above deliberation of Rabbi Epstein (in Paragraphs 4 and 5) suggests two concepts held by him in regard to the woman in Judaism. First, he is not willing to dismiss women's participation in religious ritual merely on the grounds of its being disgraceful. Second, the social reality in the home must be dealt with and justified.

Between the holidays of Passover and *Shavuot* (Feast of Weeks) a male is obligated to ritually count the days. This is referred to as *sifrat ha'omer*. As in other instances of Jewish ritual, the question of the woman's obli-

gation is posed. Rabbi Kagan (*Orah Hayyim*, section 489, sub-paragraph 3) addresses the topic in this way: "Women and slaves are exempt from this law since it is a 'positive commandment dependent upon time.' The *Magen Avraham* writes, 'and women take upon themselves this obligation.' It seems in our country the custom is not for women to count at all. Furthermore, it is written in the *Shulhan Shlomo* that, in any case, they [the women] should not bless since without doubt they will err [in counting] on one day, and in general they don't understand the meaning of the words."

The author of the *Mishnah Berurah* is here expressing his perception of women through the citation of eighteenth century *Shulhan Arukh* commentators.²⁵ A woman, he suggests, does not have the intellectual ability to count accurately or the education to understand a blessing. He even elects to refute the *Magen Avraham*, whereas in most cases he is dependent upon his rulings.²⁶ Rabbi Epstein (paragraph 4), proficient in the same commentators as Rabbi Kagan, living in the same time and geographical location, writes: "Women are exempt [from counting] because it is a 'positive commandment dependent upon time.' But the women have the custom to bless and count, similar to all positive laws dependent upon time, such as *shofar*, *succah* and *lulav*."

While Rabbi Kagan chose to present women as not only less educated but intellectually inferior to men, Rabbi Epstein, seeing that women counting was the existing practice and not willing to perceive women simply as mentally subordinate to men, accepts and justifies the woman's ritual behavior.

It was not until the beginning of the twentieth century that the issue of women studying Judaism formally became a reality in Eastern Europe. Prior to this period, women were prohibited from engaging in Jewish studies, other than the laws needed to run a Jewish home or be a loyal Jewish wife. She did not "study" these laws either, but rather learned them informally. Women were considered intellectually inferior to men. Expressions such as "You can't expect a woman to understand that!" were common rhetoric.²⁷ The study of Torah belonged to men, and there was no parallel obligation for women. The codes of law explained the women's exclusion from such study on the grounds that they are frivolous (*datot kalot*).²⁸ Rabbi Epstein presents a different view.²⁹ He commences his discussion with the views of earlier rabbinical authorities who prohibit women from studying Torah, since, "if one teaches his daughter Torah, it is as if he has taught her *tiflut*" (frivolity, obscenity). In other words, explains Rabbi Epstein, "it is a sinful act [to teach women Torah], since they are frivolous and pervert the words of Torah into indecency, as their understanding is meager" (*da'atan dalah*). This terminology, *dalah*, differs from other rabbinical authorities. *Shulhan Arukh Harav* (Laws of *Talmud Torah*, Chapter 1, Paragraph 14), for example, employs the wording of the *Tur Shulhan Arukh*, "*lefi aniyyut datan*" (their deficient intellect). Rabbi

Epstein's terminology suggests a lack of education or a deficiency in halakhic reasoning, rather than feeble-mindedness. I suggest this interpretation because of the conclusion of the paragraph. After discussing whether the prohibition against teaching a woman applies to the "Written Torah" or the "Oral Torah," he states: "The Rama writes: 'Furthermore, she is obligated to study the laws related to a woman.' " Rabbi Epstein clarifies this statement: "We have never taught our women from a text, and we are only familiar with the custom that a woman teaches her daughter and daughter-in-law the pertinent laws that apply to them. But recently the laws [for] women have been published in the vernacular [Yiddish] and they [women] can read them. Indeed, our women are diligent (*zerizot*),³⁰ and in any doubtful [halakhic] instance they ask [a rabbinical authority] and don't rely upon their opinion (*datan*) even in the most minor detail." This statement of the *Arukh Hashulhan* does not suggest that he is concerned with women being of deficient intellect. Rather, in his society, women can read, understand and learn from their readings, while realizing their dependence on rabbinical authority in the area of adjudication.

Furthermore, Rabbi Epstein argues for the acceptance of change in his society. Books had been published for the religious needs of women. There was no need to fear the consequences of this innovation, that women with knowledge from books would make their own halakhic decisions. Rabbi Epstein contends that women are intelligent enough not to rely upon their own judgment in halakhic decision-making.

Thus, for the author of *Arukh Hashulhan*, on the one hand women were not considered educated or schooled, and their place consequently would seem to be in the home in the role of wife and mother. Nonetheless, he had no objection to self-education through texts written specifically for their needs. While women could not be categorized as simple-minded, yet they did have a debility in halakhic reasoning. It is not clear why Rabbi Epstein embraced this view, but it seems that he stressed their need to look to rabbis for halakhic *decision-making*, perhaps to address the concerns of those who took a less lenient position.

Concluding Remarks

An examination of the *Arukh Hashulhan* suggests that, for Rabbi Epstein, the system and principles of traditional halakhah were the basis for his adjudicative process. The author would not deviate from the tradition of halakhic decision-making if it contradicted the traditional system of halakhah. Thus, while coming to grips with the social and physical reality, people's behavior and customs, he still ensured that his rulings remained within the framework of halakhah. Halakhah does not dictate whether the adjudicator's decisions are to be based primarily upon the injunctions of earlier generations while according little consideration to the society's reality, or, whether such considerations should play a primary

role in the rabbinical authority's halakhic process. Rabbi Epstein chose the latter paradigm for his legal decision-making.

This facet of the halakhic process of Rabbi Epstein has been demonstrated and manifested through the representative examples in this paper concerned with the laws of women. These illustrations depict both the physical and social realities of the lives and behavior of the women of his period. In the cases of phylacteries, wearing jewelry on *Shabbat* in a public area, and covering the hair by a married woman, contemporary female behavior becomes a primary consideration in the *Arukh Hashulhan*, and prevailed over rulings from prior generations and other Jewish locales.

The laws and rationale of lighting Hannukah candles and the suggestion that not working for a day will not cause idleness and sexual promiscuity on the part of women, as well as the cognizance that women are not feeble-minded (as in the case of Torah education and "counting the omer") demonstrate that Rabbi Epstein did not view the Jewish woman as a socially or religiously inferior being. Furthermore, he argues that religiously they are not to be classified as inferior, and are not to be ignored. The case of washing the hands at the Passover *Seder*, *kiddush* Friday night, and *lehem mishneh*, illustrate this argument.

It cannot be suggested that Rabbi Epstein was an advocate of women's rights as understood in contemporary times. When the halakhah clearly states and requires women to be in a secondary, different or segregated status from men, he has no problem with accepting this. Rather, the differences between Rabbi Epstein and his contemporaries would suggest that the subject of women is one component of an overall approach to halakhah that emphasized the significance of integrating the social, physical and religious actuality of his time. A component of this was an enhanced sensitivity toward the status and role of the Jewish woman.

It is not clear what motivated Rabbi Epstein to adopt this halakhic philosophy. One can only suggest different influences that stemmed from his family background, his rabbinical training, his interaction with the community during his rabbinical career, and the influence of the *Haskalah* movement.³¹ In addition, the paradigm of halakhah adopted by Rabbi Epstein may have been his means of combatting the secular threat to his Orthodox community.³² The issue of Rabbi Epstein's motivation remains open and will have to be dealt with elsewhere in greater detail.

NOTES

1. See, for example, his poem, "*Kotzo shel Yod*" (1935), discussed in Stanislawski, *Op. cit.*, and Menachem M. Brayer, *The Jewish Woman in Rabbinic Literature* (Hoboken: KTAV, 1986), pp. 71-2.

2. See Y.L. Peretz, *Stories and Pictures*, Helena Frank, tr. (Phila.: Jewish Publication Society, 1947).

3. See also Linda Gordon Kuzmack, *The Emergence of the Women's Movement in England*

and the United States, 1881-1933: A Comparative Study, Ph.D. thesis on file at George Washington University, 1986, pp. 4-11, for a discussion of Jewish 19th-century feminism and related bibliographic sources, and Brayer, pp. 63-81 — his chapter on women and the *Haskalah* (Jewish Enlightenment).

4. Ira Robinson, "Literary Forgery and Hasidic Judaism: The Case of Rabbi Yudel Rosenberg," JUDAISM, Vol. 40, No. 1 (Winter 1990).

5. Simcha Fishbane, "The Supra-Legal Materials in Rabbi Israel Mayer Hachohen's *Mishnah Berurah*," *Essays in the Social Scientific Study of Judaism and Jewish Society*, S. Fishbane and J. Lightstone, eds. (Montreal: Concordia Univ. Press, 1990).

6. See Kuzmack, p. 5, for a discussion of traditional Judaism and women. Kuzmack correctly points out that, although according to Jewish law women were expected to remain at home, 19th-century Jewish women always worked. The social-economic reality compelled them to bring in an income for the survival of most families.

7. *Op. cit.*, p. 52.

8. This attitude is manifested in the writings of all his biographers. See, for example, Simcha Fishbane, *Kol Ben Levi* (Hoboken: KTAV, 1991), Introduction, where I discuss this in greater detail.

9. For example, in the issue of *zimun* (leading the prayer after a meal). Although traditionally women had not been permitted to lead this ritual, today it has become an issue for debate. Since this was not a reality for Rabbi Epstein, he feels no need to deal with the question. He writes (*Orah Hayyim*, section 199, paragraph 2) that it is not an actuality in his society, and therefore he deals with the topic as a theoretical issue rather than a reality.

10. Both Rabbi Epstein and Rabbi Kagan lived at the same time and in the same geographical area. The *Mishnah Berurah* citations are to the Lewin-Epstein edition, Jerusalem, 1971.

11. It can be argued that Rabbi Kagan's system of adjudication was his response to the changing social reality of his time (see Fishbane, 1990, p. 203). This response ignores consideration of the individual's needs in favor of combating foreign ideologies.

12. Paragraph 2 explains the problem: namely, that while wearing *tefillin* one may not pass wind.

13. Although *Mishnah Berurah* offers no source for this statement, it is based upon the previous law (Paragraph 1) that states that one must have a clean body when he wears *tefillin*. He also represents earlier rabbinical authorities as Rabbi Shneur Zalman of Liadi, who states the same rationale (Paragraph 3).

14. This statement is quoted from the Babylonian Talmud *Ketubot* 59b.

15. This is based upon a quote from Babylonian Talmud *Berachot* 20a, that discusses a woman's obligation to say Grace After Meals.

16. One may argue that Rabbi Kagan is not degrading women, but considers them only secondary within the boundaries of law. Furthermore, the "curse to the husband" is not opposing women but rather encouraging the man to fulfill his religious obligations through his own personhood. An examination of *Mishnah Berurah* as a whole document, however, manifests the negative stance on women in Judaism.

17. See, for example, *Mishnah Berurah*, Section 274, sub-paragraph 1, and S. Schneerson, *Shulchan Arukh Harav* (New York: *Ozar Hasidim*, 1978), Section 274, Paragraph 2.

18. Rabbi Schneerson, *Op. cit.* (Paragraph 1), adds the words "as his servant," but neglects the issue of women.

19. Rabbi Epstein permits this law with reluctance. Only after stating his discontent with the fact that married women of his time do not cover their hair, does he state, "as to the law... (*af al pi hen, le'dinah...*)"

20. Whether or not Rabbi Epstein's ruling in the case of women covering their hair is applicable not only to reading the *Shema*, but to the overall issue of married women covering their hair, is not the concern of this paper. See the discussion on this issue by Marc Shapiro and Michael Broyde in JUDAISM (Spring 1990): 148-54 and (Winter 1991): 79-94.

21. Rabbi Kagan continues in the subsequent sub-paragraphs to articulate his opin-

ion. He quotes a medieval kabbalistic work, the Zohar, that portrays the terrible consequences to oneself and one's family if the wife reveals her hair.

22. See, for example, *Mishnah Berurah* and *Shulhan Arukh Harav*, Section 303. See also following footnote.

23. The difference between the *Arukh Hashulhan* and the *Mishnah Berurah* is also manifested in the case of a woman wearing a signet ring outside on the Sabbath. The issue arises because such a ring, not being jewelry for men (jewelry being permitted to be worn outside), is forbidden. Rabbi Epstein (Paragraph 23) writes: "It is known that it is the custom for women to wear a signet ring on their fingers, but . . . they do not do it [wear the ring] for the sake of the signet, but rather for the purpose of jewelry . . . and it is permitted for them to go outside with them [rings]." Rabbi Kagan (sub-paragraph 27), although also admitting that rings are jewelry (and thus could be worn outside on the Sabbath), frowns upon a woman wearing a ring outside a private domain.

24. The purpose of *kiddush* over wine is to sanctify the Sabbath day. This obligation of sanctification, as far as the Torah requirement is concerned, is also fulfilled through the prayers in the Friday night liturgy. It is only on the level of *rabbinical* law that, if one has prayed, he must still recite the *kiddush* over wine. Thus, a man who has prayed on Friday eve, comes to the Sabbath table with a *lesser* obligation to make *kiddush* than his wife. Given her greater obligation at this point, she can make *kiddush* and discharge his lesser, remaining rabbinical obligation of *kiddush* over wine.

25. It appears that the statement, "in our country the custom is . . ." deviates from Rabbi Kagan's literary style which cites from earlier rabbinical sources. (See my book, *Method and Meaning in the Mishnah Berurah* (KTAV, 1991), p. 199b, where I show that, to quote early rabbinical sources, the phrase, "our custom is," is the genre of the *Mishnah Berurah*.) It is interesting to note that, although both Rabbis lived at the same time and in the same geographical area, they both presented different customs.

26. *Ibid.*

27. See Ruth Adler, *Women of the Shtetl: Through the Eyes of Y.L. Peretz* (Farleigh Dickinson University Press, 1980), p. 22; M. Zborowski and E. Herzog, *Life is with People* (New York, 1972), p. 133.

28. These laws and expressions are summarized in *Arukh Hashulhan*, *Yoreh Deah*, Section 246, Paragraph 19. Also see *Shulhan Arukh Harav*, *Op. cit.*, on the Laws of *Talmud Torah*, Chapter 1, Paragraph 14.

29. Although it may be argued that the statement of *nashim datot kalot* is a *halakhic* category and Rabbi Epstein is referring to this principle in his writings, I suggest otherwise in this specific instance. Since the system of adjudication in *Arukh Hashulhan* is often based upon his social reality without deviating from the normative decision-making process, the axiom, *nashim datot kalot*, cannot be solely understood as a *halakhic* category and taken literally.

30. In the Laws of Sabbath, *Orah Hayyim*, Section 260, Paragraph 7, Rabbi Epstein employs the word *zerizot* (diligent) to describe the women of his time. Specifically, he refers to the fact that they do not require their husbands to remind them to prepare the three things for the Sabbath: tithe, *eruv*, and lighting the lamp (*Mishnah Shabbat*, Chapter 2, *Mishnah* 7), for they are diligent.

31. See Fishbane 1991, Introduction.

32. See Fishbane, "The Supra-Legal Materials . . .," *Op. cit.*

The Prayers of Jewish Women: Some Historical Perspectives

A Review-Essay by JENNIFER BREGER

The Merit of Our Mothers: A Bilingual Anthology of Jewish Women's Prayers. Compiled and introduced by TRACY GUREN KLIRS. Cincinnati: Hebrew Union College Press, 1992.

Techinas: A Voice from the Heart. A Collection of Jewish Women's Prayers. "As Only A Woman Can Pray." RIVKA ZAKUTINSKY. Brooklyn, New York: Aura Press Inc., 1992.

Out of the Depths I Call to You: A Book of Prayers for the Married Jewish Woman. Edited and translated by Rabbi NINA BETH CARDIN. Northvale, New Jersey: Jason Aronson, Inc., 1992.

Introduction

INCREASING WORK HAS BEEN DONE IN RECENT years on making accessible to a wider audience prayers written for and said predominantly by Jewish women. This work is important not only for women searching for appropriate prayers for themselves but also for those interested in learning about the spiritual lives of our predecessors. It is relevant, too, for all those interested in the notion of prayer in the vernacular, and in the varieties of personal as opposed to congregational prayer.

The three books under review are part of this recent scholarship. All are bilingual. The first two are editions of *tehines*, which are individual prayers that Ashkenazi women recited on different occasions.¹ *Tehines* in Yiddish were first printed in the 16th century, and were printed and reprinted in Western² and Eastern Europe³ until this century. Indeed, editions in Yiddish are still being reprinted today in New York.⁴ There were a few manuscript copies, often luxury editions commissioned for individual women, but these seem to be exceptions — *tehines* were basically popular works, a printed genre aimed at a large number of women, that probably grew out of a need for a means of vernacular prayer.⁵

The third volume is an edition of a Hebrew text of an 18th century Italian manuscript of women's prayers. A number of manuscript books

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of women's prayers in *Hebrew* were commissioned for particular women in Italy between about 1700 and 1850. The impetus was, therefore, not a need for vernacular prayer but for prayers that related directly to a woman's experience, for example, prayers connected with the three *mizvot* for women (*hallah*, *niddah* and *hadlakat nerot*), and for the events surrounding pregnancy, childbirth and delivery. Indeed, the Italian captions seem to assume that the women for whom the manuscripts were written prayed regularly; they contain directions as to when certain prayers should be recited in the context of the standard prayer service.

Books Under Review

The Klirs volume, *The Merit of Our Mothers*, is a selection from different groups of *tehines*, including many early East European ones. She consciously chose these earlier editions because they are most likely to have been written by women,⁶ since, by the end of the 19th century, many *tehines* were penned by *maskilim* (participants in the Jewish Enlightenment) and *yeshivah* students, often using female pen names, as a way of making quick money. Klirs' book is drawn from a dissertation, and she has done a lot of work in explaining the sources of the *tehines*, Biblical, Midrashic, liturgical, Kabbalistic, etc., adding to our understanding of the richness of the textual and historical allusions employed. Klirs has chosen to use Yiddish names and many expressions in the English text, and then explain them in the glossary at the back, such as "*riboyne shel oylem*," "*koyen godl*," "*mitsve*," "*toyre*," "*shabes*," and "*shoyfer*." At first it seems strange to read of Jacob as "*Yankev ovinu, olev hasholem*," but this method succeeds in drawing the reader into the pietistic world of the text.⁷

The Zakutinsky compilation, *Techinas: A Voice from the Heart*, is composed mainly of later *tehines* taken from two very popular collections, *Shas Tehine Hadoshe*, and the *Shas Tehine Rav Peninim*,⁸ as well as some prayers that were traditionally said in Hebrew by women. Many of the prayers that she includes capture the "folk" nature of the genre, such as one for a baby's first tooth. The volume is actually printed from right to left. She published the texts in Yiddish with English translation because, a rabbi told her, "Yiddish is a language that was used by Jews for over a thousand years; it is infused with holiness" and "it is preferable to say the techinas in Yiddish while glancing at the English."⁹ Zakutinsky even includes a guide for reading the Yiddish, but she does not translate all the texts she uses; her work would have benefitted from a more complete translation.

In fairness we must recognize that translating *tehines* is very complex: the same *tehine* in different editions varies, and, because there is so little punctuation in the Yiddish, the possibilities of meanings vary greatly. Both of the editions under review do a good job of making the Yiddish text accessible to those who know some Yiddish by using a clear typeface and vocalisation, although neither vocalises all the *tehines* presented. Until

at least the beginning of the 19th century, *tehines* were printed in a specific typeface, called “*vayber taytsh*,” that is particularly difficult for 20th century readers, even if they know Yiddish. The translations capture the flavour and nuances of meaning while preserving the literary allusions and the flow of the text.

Out of the Depths I Call to You: A Book of Prayers for the Married Jewish Woman, is an edition of the Hebrew text, with its Italian directions, of an Italian manuscript from the 18th century, now in the library of the Jewish Theological Seminary in New York, written by a man for his wife, together with English translations by Rabbi Nina Cardin. Because the Italian prayers are all in Hebrew, the assumption is that Yehudit Coen, for whom the volume was written, understood Hebrew as well as Italian.

Cardin’s English translation eloquently captures the poetry of the Hebrew prayers that are interspersed with Psalms. She explains many of the references of the text, but her insightful commentary is often not detailed enough. The manuscript is very attractive, with aesthetic layout and beautiful, clear calligraphy which can be seen from the one reproduction page that Cardin includes. It is a pity that we do not know more about the woman for whom this book was written. The manuscript itself has a genealogy record of the Coen family written into the front and back covers of the book, and from this we can deduce that it remained in the same family for almost a hundred years.

The Spiritual World of Traditional Women’s Prayers

All these translations allow us to enter the world of traditional women of the past and to get a sense of the texture of their lives. This is particularly true of the *tehines*, many of which were composed by women. Many of the East European ones actually give the names of their authors.

The most famous was Sarah Bas Tovim in the 17th century, writer of *Shloshe She’arim* and *Sheker Haheyn*. (although some have doubted whether she actually existed).¹⁰ Other women writers included Sarah Rebecca Rachel Leah Horowitz, daughter of the Rabbi of Brody, and Seril, wife of Rabbi Mordechai Rappaport of Olesnica in Silesia, both composers of *tehines* called *Tehine Imohos*.¹¹ and Mamael, daughter of Rabbi Zvi Hirsch and wife of Rabbi Isaac, head of the *Bet Din* in Belz, composer of *Tehine Teshuvah U’Tefilah U’zedakah*. All are identified as daughters and wives of rabbis, and, in varying degrees, display a knowledge of liturgical, Biblical, Midrashic, Rabbinic and Kabbalistic sources.¹² While many *tehines* contain imprecise quotations because they were based on oral transmission, others are profound and scholarly.

The *tehines* cover a wide range of topics, including many to be said in synagogue while the men of the congregation are saying specific prayers from the liturgy. Many are to be said at the cemetery. Other important categories are ones relating to the three women’s commandments

— candle-lighting, going to the *mikvah* (ritual bath), and separating *hallah* while baking — others relating to childbearing, and those relating to the health and welfare of the family. In contrast, the range of topics covered by the Italian prayers are mainly those relating to the commandments specific to women and to childbearing.

The Cardin book has a wonderful prayer for a nursing mother to be said when she nurses for the first time:

May it be your will, Lord my G-d and G-d of my forebears that you provide nourishment for your humble creation, this tiny child, plenty of milk, as much as he needs.

Give me the disposition and inclination to find the time to nurse him patiently until he is satisfied.

Cause me to sleep lightly so that the moment he cries I will hear and respond.

Spare me the horror of accidentally smothering my child while I sleep, G-d forbid.

May the words of my mouth and the meditations of my heart be acceptable to You, my rock and my redeemer.¹³

The *tehines* and women's prayers (hereafter "prayers" unless otherwise specified) show us some of the hopes and fears when so many husbands were away from home in search of livelihood. Klirs includes an example of this:

Protect my husband from all evil in the world — protect him from bad associates, from bandits, from murderers, from thieves, and from wild animals, and most of all, from enemies who speak and think evil about him. . .

Give my husband power and strength, grace and mercy in Your eyes and in the eyes of all people. Give him good luck, blessing, and success, and make all his paths fortunate. May his going out and his coming in be with peace, that he may merit to come back to his house in happiness and good health.¹⁴

A frequent theme is a plea that the woman's children shouldn't die young — a circumstance that occurred frequently. Another theme is that of supplications not to be dependent on other people: In the Italian prayers, a woman expresses wishes for her son before his circumcision:

Provide him with a livelihood from Your hand, that he need not rely on any flesh and blood, for such dependency would serve as a barrier, keeping him from serving You fully.¹⁵

Scholars have now focused on differences among *tehines* in style, substance, tone, use of sources, etc.,¹⁶ but all the prayers still share certain common threads: they are written in the first person singular, in a personal and intimate tone.¹⁷ Most Jewish prayers like the *Amidah* are phrased in the plural, even "*Tefillat Haderekh*" — the traveller's prayer — is said in the plural so that the individual is linked with the wider community.¹⁸ But prayer is also the "prayer of the afflicted when he (or she) is overwhelmed and pours out his complaint before God."¹⁹ Thus, there have always been personal prayers in Jewish tradition, and there are pla-

ces in the standard liturgy for these to be added.²⁰ Nonetheless, the women's liturgy, of which the books being reviewed are exemplars, contain the most sustained set of personal prayers in Jewish tradition. Perhaps because women were considered to have been relieved of the obligation of statutory prayers, they were freer to create and recite individual ones. Not only are both the Italian prayers and the *tehines* phrased in the first person; they also leave spaces for the individual to insert her name.

The tone of the prayers is one of intense — indeed, at times painful — intimacy between the supplicant and the Divine. In one *tehine*, the woman says: “My speech flows like water. I have no other friend before whom I can unburden my heavy heart.”²¹

The image that many people have today of the ignorant woman of the past crying in the synagogue is inadequate and naive, especially because of the theological value attached to such tears. As the Talmud (B. Ber. 32b) says: “Even when the gates of prayer are closed, the gates of tears remain open.” One *tehine* invokes Rachel weeping for her children, and another gives a different Midrashic underpinning for the value of tears — the tears of the angels that fell on Abraham's knife and prevented him from slaying Isaac.²² A *tehine* called the “Gates of Tears” says: “Since You desire that we weep, therefore do I weep and cry out.”²³ The Italian prayers contain similar thoughts. As Nina Cardin puts it, tears “possess a special divine currency.”²⁴ In a prayer to be said before she delivers a child, the Italian woman says: “Place my tears within Your special pouch within Your treasure house.”²⁵

The many *tehines* written for the period between the beginning of the month of Elul and Yom Kippur reflect the immediacy of God's judgment. They encompass not only the supplicant's fear of heaven, but also the hope and faith that an evil decree can be averted. The prayers are imbued with a recognition of dependence on God and the belief that God cares and responds to the supplications of His creations.

In these prayers, God is called *Riboyne shel oylem*, *Lieber Gott*, or *Gott fun meyne elteren* — not just “God of my fathers,” as in the traditional *Siddur*. Indeed, there is a strong stress on the Matriarchs and other Biblical women. Sarah is invoked for her distress at not knowing what happened to Isaac at the *Akedah*. Other *tehines* call on the merit of Rachel and Hannah and Miriam:

In the merit of Miriam the Prophetess, a well of water, which was created in the six days of Creation, on Friday at twilight, accompanied the Jews in the desert from the month of Iyar on. Remember us now, beloved G-d, in her merit, for she sang with the women when the Jews went out of the Red Sea, as it states, “Miriam the Prophetess, the sister of Aaron, took the drum in her hand...” Wake up, Miriam the Prophetess, wake up from your rest and stand in front of the King of all kings, the Holy one...and beg Him to have pity on us in this month of Iyar....²⁶

Not only is the merit of the Matriarchs invoked in the *tehines*, but many directly call on the Matriarchs to intercede on behalf of the supplicant.

The Italian prayers also focus on the Matriarchs. In one pregnancy prayer, the woman petitions:

Just as You remembered Sarah, heeded Rebecca, saw Leah's sorrow and did not forget Rachel, just as You listened to the voice of all the righteous women when they turned to You, so may You hear the sound of my plea and send the redeeming angel to protect me and to help me throughout my pregnancy.²⁷

Both the Italian prayers and the *tehines* offer a contradictory image of the Jewish woman. One image is that of the self-effacing woman who repeatedly says that she lacks merit before God, deserving nothing for herself. In the Italian prayers the woman prays that she will not give birth on the *Shabbat*, so that people will not have to desecrate *Shabbat* for her.²⁸ Yet, it is clear from both sets of prayers that the woman who recites them is confident that she has the ear of God, and that her prayers connect with those of Biblical figures, male and female. In the *tehine Shloshe She'arim*, Sarah Bas Tovim says:

Riboyne shel oylem, I pray to you now, just as *Esther Hamalke* prayed. Lord of the whole world, with Your right and left hands with which You created the whole world, with Your two hands, may You spread Your lovingkindness over me.²⁹

In the same *tehine*, lighting *Shabbat* candles is considered equivalent to the lighting of the Menorah by the High Priest in the Temple:

Riboyne shel oylem, may the *mitsve* of my lighting the candles be accepted as equivalent to the *mitsve* of the *kohen gadol* (the High Priest) when he lit the candles in the precious *beyts hamikdash*. As his observance was accepted, so may mine be accepted. . .

I also ask at this time that this *mitsve* of lighting candles be accepted as equivalent to the olive oil which burned in the *beyts hamikdash* and which was never extinguished. . .

May our *mitsves* be accepted as equivalent to the *mitsves* of our patriarchs and matriarchs and of the holy tribes so that we may be as pure as a child newly born of its mother. *Omeyn*.³⁰

Do These Prayers Provide A Usable Past?

In the past, traditional women's prayers were often criticized for being circumscribed in their scope and relating only to the mundane and physical aspects of domestic life. However, for women who feel today that nothing in the traditional prayer book, seen as a "male document," relates to them, it is an advantage that these prayers speak to women's specific concerns and lives — such as childbirth, nursing and child rearing.³¹

As Jewish women have increasingly become religiously educated, they have debated whether they should be adopting pre-existing male styles of expression and texts, or should be creating their own. Orthodoxy

has traditionally responded that women have a different path in Judaism based on their physical and psychological make-up, while Reform and Conservative Judaism have generally opted to eliminate such differences as regards women Rabbis and cantors and participation in public prayer. In recent years, while feminists still stress egalitarianism, there is now more attention to gender differences, which many believe should be celebrated, not minimized. The exploration of traditional women's liturgy is a separate path that is receiving increasing attention from women of different religious affiliations. It is interesting that the editors of the three books under review come out of Reform, Conservative and Orthodox traditions.

To what extent can the *tehines* and women's prayers form a usable past for women today? Within these prayers there are topics which clearly can be used by the modern woman, where the treatment of the topic is appropriate, such as those for candlelighting, and for the *mikvah* and for separating *hallah* for women who observe these *mizvot*, and those relating to childbearing and family. A mother today would feel at ease asking "May You always be with me and continually give me strength and courage. Also, give my husband the stamina and ability to raise this new child . . . so that we may be spared the pains of parenthood."³²

Often, however, the topic is transferable but the treatment is not. One difficulty is the magical and superstitious nature of some of the prayers. In the Italian prayers, for instance, a woman during her ninth month of pregnancy asks:

Spare us from the Evil Eye, from demons and from devilish spirits, from all sorrow and sadness.³³

Before she goes to bed with her husband after returning from the *mikvah*, her prayers include the wish that no force from the "Other Side," the *Sitra Aħara* (the domain of evil in Kabbalistic writings), should overpower her.³⁴ Included in the Italian manuscript are texts of various incantations aimed at warding off the Evil Eye and at coaxing the baby out, but Cardin does not translate them.

The Klirs volume includes two incantations against the Evil Eye: one of these says that the person

should inhale the fumes from nine different colors of woolen clothing, and should extinguish . . . glowing coals in fresh water three times. . . .³⁵

Obviously, this sort of magic is not useful for the present-day woman. The focus on childbearing and child-rearing also does not encompass all the concerns of the modern woman. Even the women yearning for children today are not all going to feel their desires represented by passages such as:

Permit me and my husband to merit sons so that they may occupy themselves with Torah and constantly seek Your company.³⁶

This is from the Italian prayer book, but all the *tehines* are replete with

such wishes, which imply that the ultimate ideal of the woman is to give birth to learned and pious sons. After all the prayers for a male child, one *tehine* adds, almost as an afterthought:

And if it is a female, may she be a modest woman, a G-d-fearing woman, and may she have good fortune.³⁷

Many of the women's prayers of the past are less useful today, for example, the *tehines* to be said in the synagogue at specific points in the service, as women congregants either understand the Hebrew or can follow a translation. Similarly, there is less need for the numerous cemetery prayers found in this genre, reflecting the important role played by cemetery visits in earlier generations, especially for women.

While there are obviously many subjects which are not covered in any of the historic sources, the traditional women's liturgy certainly provides a precedent for prayers and rituals that relate directly to events in a woman's experience. Women today want to connect Jewishly with events in their life-cycle — including dealing with infertility, pregnancy loss, weaning, baby-naming and menopause, and there are now ceremonies and rituals that focus on these.³⁸

If one were to look for subjects relevant for today, what would modern prayers relate to? Certainly the onset of menstruation; this is not covered by the traditional women's prayers which are targeted at the married Jewish woman, not the single or divorced one. Would the *tehine* for a woman about to get married ask for self-fulfillment in marriage? There is a traditional *tehine* for a stepmother taking on the responsibility for her husband's children, but not ones that might be appropriate for the complicated family relationships of our time. Today's woman would perhaps want a prayer for professional success, for embarking on a second career, or dealing with retirement. Life-cycle events, biological states, and family relationships are important for the modern woman, but other events, states and relationships are also parts of her self-definition.

One drawback to the usability of the traditional prayers today is that they came from a very different world — they seem to represent a “theology of isolation.” Most of the prayers were said by the woman at home or by herself, for example, on visits to the cemetery, or to the *mikvah* (ritual bath), which, in the Ashkenazi world is a very private experience. The rituals we see now have more of a ceremonial aspect and also more of a sharing with others in the nature of a public statement. They share, with the traditional prayers and devotions, the connections with the collective past as Jews, or as Jewish women, but they come from a different tradition, not of individual petition and personal supplication, but more of communal story-telling. This, more than the fact that they deal not only with adult *bat-mizvahs* and 60-year-old birthdays, but with recovering from a rape or abortion, marks these new rituals off from the traditional ones.³⁹

Many Orthodox women are now praying regularly twice or three ti-

mes daily and understand what they are praying. Many are also involved in women's prayer groups that provide public arenas to express their spirituality. Still, the traditional women's prayers can add an extra dimension to their observances.

In many ways it would seem that there is a constant human need for individual and personal prayer by both men and women. Here women are fortunate that they have rich historical sources for such personal prayers.⁴⁰

The Need for Further Research

It is hard to generalize much from the Italian Hebrew prayer volume that Dr. Guiseppe Coen compiled for his wife. There are other such manuscripts in libraries and private collections and also similar prayers at the back of printed Italian prayer books and books of Psalms.⁴¹ This suggests that they are somewhat standardised.

The different texts need to be analyzed and compared. Their authorship is unclear: We have no evidence that women actually wrote any of them themselves. The volume under review is obviously a presentation copy, but was it even used? Were gifts to brides just ceremonial gifts, like *bat mizvah* gifts today?

Although Cecil Roth and others have referred to the high level of education among Italian Jewish women during and after the Renaissance, it is not known how many women actually read and understood Hebrew.⁴² We know of books of women's commandments in Italian translation. Do we assume literacy in both languages? There had been printed translations of the *Siddur* into Judeo-Italian for women in the 15th and 16th centuries.⁴³ Does the fact that they were no longer printed prove that Hebrew had become more widely known, or that Italian women prayed less? The suggestion has been made that because of the role of Latin in the Catholic Church, there was no tradition of vernacular prayer in Italy, and that Italian Jewish women might not have expected to understand their Hebrew prayers.⁴⁴ But there clearly were women who could read and understand Hebrew in the 18th and 19th centuries, such as the poet Rachel Morpurgo of Trieste from the Luzzatto family, who wrote in Hebrew.⁴⁵

Many questions remain about the Yiddish *teḥines* as well. These were produced for the masses. What about the women who could not read? Did other women read for them or did their husbands and sons read for them, or did they commit the prayers to memory? Even though all the captions on individual *teḥines* and the title pages say when they should be recited, were they in fact said on all these occasions? When did women get new *teḥines* or the new volumes that the publishers were trying to sell?

Considerable scholarly work remains to be done both in translating and analyzing individual prayers and prayer books for women and in un-

derstanding their social and religious context, including the distribution and use of different texts. The volumes under review whet the appetite for more editions in English as well as more scholarship in this field. They show clearly that the traditional view of Jewish liturgy as a male dominated set of communal, formal prayers leaves out much of what Jews in the past did. Men as well as women should find this expansion of the parameters of Jewish liturgy worthwhile. Whether they can be models of new liturgical possibilities remains to be seen. In any case, the books under review certainly increase our understanding of the spiritual lives of our "elteren."

NOTES

1. The most serious and scholarly analysis of *tehines* is that of Chava Weissler. See "For Women and for Men who are Like Women: The Construction of Gender in Yiddish Devotional Literature," *Journal of Feminist Studies in Religion*, 5 (Fall, 1989): 7-24; "Prayers in Yiddish and the Religious World of Ashkenazic Women," *Jewish Women in Historical Perspective*, ed. by Judith Baskin (Detroit, 1991), pp. 159-181; "The Religion of Traditional Ashkenazic Women: Some Methodological Issues," *A.J.S. Review*, 12 (1987): 73-94; "The Traditional Piety of Ashkenazic Women," in *Jewish Spirituality*, II, ed. by Arthur Green (New York, 1986), pp. 245-275; *Traditional Yiddish Literature: A Source for the Study of Women's Religious Lives* (Cambridge, Mass.: Harvard University Library, 1988); "Voices From the Heart: Women's Devotional Prayers," in *The Jewish Almanac*, ed. by Richard Siegel and Carl Rheins (Bantam Books, 1980), pp. 541-545; "Woman as High Priest: A Kabbalistic Prayer in Yiddish for Lighting Sabbath Candles," *Jewish History* 5 (1991): 9-26; "Women in Paradise," *Tikkun* 2 (April-May, 1987): 43-46, 117-120.

See also Shulamith Z. Berger, "Tehines: A Brief Summary of Women's Prayers," in *Daughters of the King: Women and the Synagogue*, ed. by Susan Grossman and Rivka Haut (Phil.: J.P.S. 1992).

2. In Western Europe they were printed mainly as collections, such as *Seder Tehines* or *Tehines*, beginning with an Amsterdam edition in 1648. From the mid-18th century, longer collections, entitled *Seder Tehines U-vakoshos* were printed and reprinted in many German towns, like Sulzbach and Furth. These contained about 120 *tehines*, and were later reprinted in Eastern Europe as well.

3. In Eastern Europe they appeared as pamphlets of individual *tehines* or in small groups. The earliest extant East European ones date from the 18th century, but Weissler considers that some were already printed beginning in the 16th century, but have been lost. Weissler, *Traditional Yiddish Literature*, *Op. cit.*, p. 6.

4. For example, *Sefer Tehine Sara Rohel* (Brooklyn, N.Y.: Kaftor vaFerah, 1992). While the text is not new, the volume is promoted as being in "today's Yiddish."

5. Most likely, they developed from translations of prayers into Yiddish, which became paraphrases and then independent devotional prayers. Although there were definitely men who could not read and understand Hebrew, the *tehines* were mainly published for women. Some have argued that their spread was closely connected to the revival of Kabbalistic prayers. See Freehof, "Devotional Literature in the Vernacular," *CCAR Yearbook*, 33 (1923), pp. 375-424. Freehof argued that many *tehines* were direct translations of original Kabbalistic Hebrew prayers and others were adaptations, particularly from two Kabbalistic prayerbooks, the *Sha'arei Ziyon* of Nathan Hanover (first published in Prague, 1662) and the *Sha'ar Hashamayim* of Isaiah Horowitz (first published in Amsterdam, 1717), which have many introductory paragraphs of *kavanot* to help the person praying to concentrate on the prayers.

Chava Weissler develops this theme of connection with Kabbalistic texts in her analysis of individual *tehines*, looking for intermediate texts, and also seeing where the writers of the *tehines* have modified and transformed these texts. (See, in particular, Weissler, *Woman as High Priest*, *Op. cit.*, pp. 13-21, for an analysis of “*Tehine Imrei Shifre*” and its similarities and differences with its source in the Zohar, through the intermediate text, “*Nahalat Zvi*.”

6. Israel Zinberg, *A History of Jewish Literature*, Vol. 7, *Old Yiddish Literature from its Origins to the Haskalah Period*, translated by Bernard Martin (New York and Cincinnati: 1975), pp. 246-259; Weissler, *Prayers in Yiddish*, *Op. cit.*, pp. 169-176; Shmuel Niger, “*Di yidishe literatur un di lezerin*,” reprinted in *Bleter geshikhhte fun der yidishe literatur* (New York: 1959), pp. 35-107.

7. The difficulties in transliteration are clear from the fact that the word *tehine* is rendered *tkhine* by Klirs and by Chava Weissler, *techina* by Zakutinsky, *tehinno* by Tarnor (in his translation of the *Three Gates — Shloshe She'arim*) and *tehine* by Berger.

8. See, for example, *Shas Tehine Hadoshe* (New York: Hebrew Publishing Company, 1916), and *Shas Tehine Hadoshe* (with 248 *tehines*) (Vilna: 1927), and *Shas Tehine Rav Peninim* (Brooklyn, N.Y.: Ahron Flohr, n.d.).

9. Zakutinsky, p. 14. The rabbi is Rav Freifeld.

10. The name “Bas Tovim” means “daughter of the good” or “notable people” and, although her work gives a lot of details about her life, it has been thought that she could be a “generic construct” or a legend. See Weissler, *Religious World of Ashkenazic Women*, *Op. cit.*, pp. 173-176, Sondra Henry and Emily Taitz, *Written Out of History* (Fresh Meadows, N.Y.: Biblio Press, 1983), pp. 184-193, for a discussion of Sarah Bas Tovim. For a recent translation of the “*Shloshe She'arim*” *tehine*, see “Three Gates *Tehinno*: A Seventeenth Century Yiddish Prayer by Sarah Bas Tovim,” translated by Norman Tarnor, *JUDAISM* 40 (Summer 1991): 354-367.

11. Haim Liberman, “*Tehine Imohos U'Tehine Shloshe She'arim*” in *Ohel Rahel* (New York: 1979-1980), pp. 432-454, deals with some of the misattributions and confusions in identifying the writers of different *tehines*. The problem is compounded by the fact that earlier *tehines* were incorporated into newer editions (sometimes changed, sometimes not).

12. In scholarship, one of the most notable authors was Sarah Rebecca Rachel Leah Horowitz, mentioned above. Her *Tehine Imohos* is written in Aramaic, Hebrew and Yiddish. In the introduction, she discusses issues of women's prayer and the role of the learned woman. See Weissler, *Prayers in Yiddish and the Religious World of Ashkenazic Women*, *Op. cit.*, pp. 170-173.

13. Cardin, p. 110.

14. Klirs, p. 118.

15. Cardin, p. 114.

16. Weissler, *The Traditional Piety*, *Op. cit.*, p. 254.

17. For those who say that prayer is not the spontaneous outpourings of the soul, but only the obligatory service of God, the women's prayers fell short. See, for example, Yeshayahu Leibowitz, *Judaism, Human Values and the Jewish State* (Harvard University Press, 1992), pp. 30-36.

18. B. *Ber.* 30a.

19. Psalm 102:1.

20. In particular, the end of the *Amidah* or in the “Shomeya Tefilah” blessing. The “*Elokai Nezor*” in the prayerbook was originally the personal prayer of Mar ben Rabina.

21. Klirs, pp. 96-98.

22. Klirs, pp. 64-66.

23. Klirs, p. 96.

24. Cardin, p. 105.

25. Cardin, p. 106.

26. Zakutinsky, pp. 151-155.

27. Cardin, p. 72.

28. Cardin, pp. 78-80.

29. Klirs, p. 36.
30. Klirs, p. 20. A different Kabbalistic interpretation of candle lighting is given in the *tehine*, "*Inrei Shefre*." See Weissler, *Woman as High Priest*, *Op. cit.*, pp. 13-21.
31. The Klirs volume includes *tehines* for taking a child to *heder* for the first time (pp. 116-117). Zakutinsky includes a *tehine* for a baby's first tooth (pp. 396-400).
32. Cardin, p. 122.
33. Cardin, p. 88.
34. Cardin, p. 54.
35. Klirs, p. 110.
36. Cardin, p. 36.
37. Klirs, p. 128.
38. For a discussion of various rituals and prayers for pregnancy loss, see "How do you mourn a miscarriage or a child's death in the first month?" by Rabbi Shohanna Wiener, *Moment*, April, 1993. The Jewish Women's Resource Center has many examples of other modern prayers and rituals on life cycle events.
39. The difference can be seen by the translation in Zakutinsky's book of separate *tehines* for each *Rosh Hodesh* referring both to significant events considered to have occurred in that month as well as specific wishes and prayers for the month, as contrasted with the contemporary rituals organized around *Rosh Hodesh* (New Month) ceremonies in *Miriam's Well: Rituals for Jewish Women Around the Year* (New York: Biblio Press, 1986).
- The subtitle of a recently published book that includes a feminist Haggadah is instructive: *The Telling: The Story of a Group of Jewish Women who Journey to Spirituality through Community and Ceremony* (San Francisco: Harper, 1992).
- In the liturgy composed by Marcia Falk, the blessings do not refer to a "Lord, King of the Universe," but, rather, to a "source of life" or an immanent divinity. The is clearly far from the intimate, personal relations with God in the traditional women's liturgy. See her recent book, *Book of Blessings: A Feminist-Jewish Reconstruction of Prayer* (San Francisco: Harper, 1992).
40. Excluding psalms written in the first person, there are some individual first person prayers and "*kavanot*" for men in the *Siddur*, but few are actually said: Among these are the ones before putting on *tallit* and *tefillin*.
41. One book of Psalms printed in Livorno in 1801 has a section entitled "*Eshet Hayil*" at the back which contains prayers to be said while lighting Sabbath candles, and also some prayers for pregnancy and after delivery, which are identical to ones in the volume translated by Cardin, as well as prayers for a *zeved ha-bat*, a traditional welcoming ceremony for baby girls in Sephardic and Italian communities.
42. Cecil Roth, *The Jews in the Renaissance* (Philadelphia: Jewish Publication Society, 1959), pp. 50-51. Howard A. Edelman, "Italian Jewish Women," in *Jewish Women in Historical Perspective*, ed. Judith Baskin, *Op. cit.*, 1991, p. 189, and "The Educational and Literary Activities of Jewish Women in Italy during the Renaissance and the Catholic Restoration," in *Shlomo Simonsohn Jubilee Volume* (Tel Aviv University, 1992), pp. 9-23.
43. See Alan Freedman, *Italian Texts in Hebrew Characters: Problems of Interpretation* (Weisbaden, 1972). For listings of some of these translations, see Leonello Modona, in *Il Vessillo Israelitico* (1887): 76-80, 110-114 and C. Roth, in *Revue des Etudes Juives* (1925): 63-65, and U. Cassutto, *Revue des Etudes Juives* (1930): 260-280.
44. I am grateful for this suggestion to Professor Bernard Cooperman of the University of Maryland.
45. Rachel Morpurgo (1790-1871) wrote in Hebrew. Her poems were first published in *Ugav Rahel* (Trieste, 1890).

Book Reviews

Chattel or Person? The Status of Women in the Mishnah. By JUDITH ROMNEY WEGNER. New York and Oxford: Oxford University Press, 1988.

Reviewed by JUDITH R. BASKIN

AS WITH the Biblical texts that they interpret and elaborate, the literary documents of rabbinic Judaism are complex and multi-stranded, reflective of the extended duration of their composition. And far from being monolithic in the views and attitudes expressed within its canon, rabbinic discourse preserves a variety of competing interpretations and opinions, privileging not only majority views but minority opinions as well. Given this complicated heritage, it is not surprising that rabbinic literature is similarly diverse in its attitudes towards women and their activities. What unites this plethora of opinions, however, regardless of how they are expressed, is an underlying conviction that "women are a separate people" (Babylonian Talmud *Shabbat* 62a), differing in legal and social status, as well as in inherent capacities, from men.

Rabbinic social legislation considers woman mainly in her relationship to man, as she falls under his control, and as she contributes to his comfort, in a world envisioned from a profoundly androcentric stance. As long as a woman fulfills the expectations of her society, she is revered and honored for enhancing the lives of her family, and particularly for enabling her male relatives to fulfill their religious obligations. Rabbinic literature is not lacking in words of praise for the supportive, resourceful, and self-sacrificing wife, nor is there a lack of consideration for her physical, sexual, and emotional needs and welfare. As such scholars as Judith Hauptman have demonstrated, rabbinic jurisprudence often goes beyond Biblical precedents in its efforts to ameliorate some of the disadvantages and hardships that women faced as a consequence of Biblical legislation. Moreover, halakhic authorities have historically sought to be flexible in easing difficulties which individual women might encounter because of the system's inherent legal discriminations against women in general. Still, despite their willingness to consider a specific woman's personal situation sympathetically, the rabbinic sages were convinced that women's roles and status in society as a whole were quite different from those deemed appropriate for men.

Inspired by the impact of modern feminism on academic fields of inquiry, and the widespread recognition of the importance of gender as a category of historical and literary analysis, growing numbers of contemporary scholars are studying representations of women in rabbinic texts. A particularly important contribution to this literature is Judith Romney Wegner's examination of the legal status of women in Mishnah. First published in 1988, and now available to a wider audience in paperback, *Chattel or Person? The Status of Women in the Mishnah* has had a profound impact on current thinking about how women are viewed in this most central foundation of rabbinic literature. Dr. Wegner, who is a trained barrister as well as a recipient of the Ph.D. from Brown University, brings both her legal background and

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her training in rabbinics to her compelling and illuminating description, analysis, and interpretation of women's status in mishnaic law.

The Mishnah, a book of legal directives compiled in the second century CE by Jewish sages in the land of Israel, portrays an idealized society whose central character is the free adult Israelite male, an individual who is assumed to possess wives, children, land, slaves, livestock, and other chattels. In such a social vision, women hold a decidedly ambiguous place. As Wegner points out, the Mishnah basically considers people and things from the perspective of their relationship to an owner or master, and from this stance, a woman, whether as wife or daughter, appears to be chattel. On the other hand, analysis demonstrates that in the Mishnah legal definitions vary with context. Wegner shows that in certain situations the Mishnah portrays women as full persons, virtually equivalent to men intellectually and morally; in these instances they are competent to own property, conduct business, engage in lawsuits, and present legal testimony on specified matters. Thus, the Mishnah appears to be inconsistent; sometimes women are treated as the property of men while at other times they are portrayed as persons with legal rights, duties, and powers.

What determines a woman's legal status at any given point? It is Wegner's conclusion, after a careful and comprehensive examination of texts concerned with both dependent and independent women, that the Mishnah perceives of woman as chattel only when the context is control of her sexual and reproductive function by a specific man. In these instances, a woman is presented as belonging to the man in all matters that affect his ownership of her sexuality, whether as minor daughter, wife, or levirate widow. Wegner considers mishnaic traditions concerning each of these categories of dependent women in separate chapters. She finds that the minor daughter, a young woman under the age of twelve and a half years, is completely under her father's authority, and regarded in the Mishnah primarily as a sexual chattel to be exploited on the marriage market. Similarly, the levirate widow, a woman whose husband has died without male issue, is regarded simply from the point of view of her reproductive potential. As part of her husband's property, she is inherited by his nearest kinsman (*levir*) along with the estate, and has no independent personal status until her *levir* chooses either to marry her or release her.

The situation of the wife is somewhat different. Wegner demonstrates that in nonsexual contexts, the wife is endowed with a high degree of personhood. Her legal rights as a property holder are protected; she is assigned rights and privileges which are denied to the non-Israelite male. Wegner offers the case of the wife suspected of adultery as her paradigm of the legal duality implicit in the wife's ambiguous role. As a sexual chattel, a suspected wife (*sotah*) can be put through a barbaric ordeal without evidentiary proof, but as the owner of a valuable marriage settlement she cannot be deprived of her property without due process. Moreover, the Mishnah's acceptance that in certain cases a wife is morally entitled to a divorce reveals an analogous paradox. As Wegner points out, the notion of a wife's legitimate right to a divorce recognizes her as a person, yet the required formalities compel her husband to use a procedure that treats her like a piece of property. In this instance, the Mishnah treats the wife as person and chattel at once.

The case is similar in the area of conjugal relations, where the married woman is not simply a sexual object but is treated as a person with rights as well as obligations. In particular, the Mishnah believes that a wife possesses the absolute right to intercourse with her husband. This is based on the mishnaic interpretation of the

difficult Biblical term '*onah*' (Exodus 21:10) to mean that a husband must provide his wife with regular conjugal visits, in addition to providing her with food and clothing. Wegner notes that the sages provided detailed guidelines for fulfillment of this matrimonial duty, based on the husband's occupation and the amount of time he spends at home (M. *Ketubbot* 5:6), but she also points out that the husband's legal duty to have intercourse with his wife is matched by her corresponding obligation to consent. Each spouse incurs daily financial penalties for non-compliance, but the wife's penalty is more than twice as heavy as her husband's (M. *Ketubbot* 5:7). As Wegner notes, "this reciprocal network of sexual entitlements and obligations places the spouses in a complementary relationship, though not on a precisely equal footing" (p. 79), since the sages, in penalizing the rebellious wife more severely, value the woman's rights below those of a man. Despite the consideration for female sexual needs imposed by the rabbinic reading of '*onah*' in Exodus 21, then, "the woman's sexuality, when the chips are down, really belongs to her husband" (p. 80).

When no man has a legal claim on a woman's sexuality, Wegner shows that mishnaic legislation always treats her as a person, in sex-related matters as well as in all others. Such an autonomous woman, who might be an emancipated daughter of full age, a divorcée, or a widow, may arrange her own marriage, is legally liable for any vows she may make, and may litigate in court. Free from male authority, she has control over her personal life, and is treated as an independent agent. Wegner goes on to emphasize, however, that while the autonomous woman has some latitude in the private domain of relationships between individuals, mishnaic rules governing women's relationship to the *public* domain tell quite a different story. Here, all women are generally excluded from the culturally prestigious realms of communal leadership, collaborative study, and public prayer, which are understood to belong primarily to men (pp. 6, 146-156).

Chattel or Person? demonstrates that a heightened awareness of female sexuality and sexual function is central to mishnaic thinking about women. Individual women, with their potential for reproduction, are valuable commodities which must be safeguarded by specific men. Moreover, women in general represent a potential source of enticement and societal disorder which must be controlled. Thus, the Mishnah makes clear that a woman is best kept separate from centers of communal governance, scholarship, and holiness. Her preferred status is marriage, and her proper place is within the domestic or private realm where her potential to undermine male order, power, and sanctity will be regulated and neutralized by male authority, and where she will fulfill those mandated roles which will allow her patriarchal society to function most smoothly.

Judith Romney Wegner's book is a pioneering and provocative appraisal of a topic which is of central importance in contemporary Jewish discourse. Neither polemic nor apology, its close adherence to text and context provides a valuable model for continuing analyses of the status and image of women in traditional Jewish literature.

Women at Prayer: A Halakhic Analysis of Women's Prayer Groups.

AVRAHAM WEISS. Hoboken, N.J.: KTAV, 1990. 147 pp.

Reviewed by JOEL B. WOLOWELSKY

The fact that many of the issues addressed in Rabbi Avraham Weiss' *Women at Prayer* are tangential to most American Jews masks the importance of his volume. Weiss has presented a well-researched and documented halakhic justification for women's prayer groups that have sprung up over the last decade in the modern Orthodox community.

In an age of egalitarianism, most people wonder what would motivate women to set up a single-sex prayer group, and, in a period of religious subjectivity and exploration, most people would be surprised that such an experiment would need any justification at all. But Weiss is dealing with the needs of a very select group of women. Seriously educated in Jewish sources and experiences, they want as full a participation as possible in community prayer. Praying in an Orthodox *shul*, they find that they are excluded from full participation in the service. But, committed to halakhic constraints, they cannot pray in a synagogue where men and women sit together and fully participate in all activities, including *aliyot* to the Torah. Faced with this conflict, some have formed community women's prayer groups, in which they meet once a month.

At first glance, one would be hard-pressed to question the halakhic propriety of such groups. Meeting only once a month, they maintain their participation in "regular" community services. Acknowledging that certain prayers require the presence of a halakhic *minyan* consisting of ten adult males, they recite only those prayers that can be said by individuals. One would think that such longings for a deeper religious experience would be welcomed by most halakhists.

Yet, these prayer groups — careful not to call themselves *minyanim* — met with strident opposition, generated (surprisingly) not from the "right" but from a group of Talmudists at Yeshiva University's Rabbi Isaac Elchanan Theological Seminary. The opposition was clearly sociological, a position drawing on a fear that such prayer groups would undermine traditional positions by granting legitimacy to feminist criticisms of halakhic Judaism. Such concern is far from unreasonable, but the protest was framed in halakhic terms.

The opposition centered on three main points. First, there was an attempt to argue that women were actually required to hear the public reading of the Torah and participate in a *minyan*. This argument, however, went against centuries of normative halakhic reasoning. Halakhah recognizes a distinctiveness of obligation between men and women in many areas of life. Thus, while men and women are obligated to pray daily, women are exempt from any obligation to pray with a *minyan*. They are free, therefore, to excuse themselves from the general congregation and to pray separately without a *minyan* or a public Torah reading.

Second, there was an *ad hominem* attack on the organizers. Irrespective of the theoretically benign quality of the women's prayer service, went this reasoning, the organizers were "feminists" aiming at undermining and attacking fundamental ha-

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halakhic norms and values. But, as Weiss points out and as the opposition eventually conceded, the motivation of these women stemmed from a desire to remain *within* the halakhic system. Pushed on by their rich Jewish background, they were careful to explore their religious needs within halakhic constraints.

Third, the women's prayer groups used a *Sefer Torah* for a public reading. This, to be sure, was a radical departure from tradition, where not only did women not receive *aliyot*, but, in many cases, refrained from even touching a Torah scroll. Weiss devotes a chapter to "Women and *Sefer Torah*," concluding:

Prayer is a moment of deep relationship between the human being and God. For many, that moment is more deeply expressed when carrying, holding, touching, kissing the deepest reflection of God's love — the Torah. The right of women to experience this moment — indeed, their right to have contact with the *Sefer Torah* — has a clear basis in the halakhah.

As for reading from the Torah, Weiss argues that there is no objection to women reading the Torah in a private capacity and, because the prayer groups avoid saying "*Barekhu*" before reading from the Torah, the organizers underline the fact that this is not a halakhic public reading.

Such a reading does not have the same *raison d'être* — fulfilling a halakhic obligation — as a regular reading in a *minyán*. But Weiss closes his presentation with a quotation from Rabbi J. David Bleich, an outspoken opponent of these groups. Bleich had written that he originally opposed public menorahs set up each Hannukah by Lubavitch, arguing that they "serve no halakhic function, either obligatory or discretionary." But he came to accept them because of the positive impact that they had on the many Jews who saw them. "I need not explain, or even understand, that phenomenon. It is sufficient to say that it is real and it is salutary." Noting the real and salutary effect that these readings have on the participating women, Weiss calls for a similar attitude towards women's prayer groups and their Torah readings.

Why, then, have these groups not become more popular, especially when Weiss quotes the opinion of the late Rav Moshe Feinstein, Torah master of our generation, who summarily rejects all theoretical arguments against such groups. R. Moshe said that

...if there is a group of righteous women whose intention is for the sake of Heaven without intending to undermine God's Torah or Jewish practice, then, of course, why prevent them from praying together?

And they may also read from the Torah Scroll, provided that they take care not to do it in such a way that one might erroneously believe it to be a public reading. . . .

I believe that there are three main reasons for the relatively slow growth of these groups. First, many Orthodox women are quite satisfied with their rather passive role in public community prayer. Just as most men are happy not to act as *hazzan* and are not resentful that they cannot offer the priestly blessing, so most women are not upset that they cannot lead the service or have an *aliyah*. But, of course, this does not bother Weiss. He is not arguing for the universality of these groups, but for their acceptability for those who wish to grow religiously from their participation.

Second, unstated by all concerned, is what I think is a perception that these groups are a challenge to the individual synagogue rabbi rather than to the halakhic system. The *meḥizah* in the main synagogue is not offensive to these women; if it were, they could simply go to a Conservative synagogue. It is the *absence* of the

mehizah at the daily *minyan* that is offensive, the tacit assumption that women would not want to attend. Many *poskim* hold that women are obligated in *minhah*, and all agree that they are obligated in *Se'udah Shelishit* (the required third meal on the Sabbath). But it is lost on no one that their absence from *shul* on *Shabbat* afternoon is quite acceptable to most pulpit rabbis, who make no attempt to encourage women to participate in services to the full extent allowed (or demanded) by the halakhah; women's prayer groups are no exception. Indeed, there is often an unstated subtle attempt at discouragement. To encourage these groups, I fear, could be understood as an admission that something is wrong in the regular synagogue. Hence, the somewhat disingenuous arguments against these groups.

But it is the third reason — for the most part unaddressed by Weiss — that is the most troubling. In general society, imitation may be the highest form of flattery, but in religious society, mimicry has the quality of *ersatz mizvah*. Consider, for example, traditional blessings. Non-Orthodox groups regularly create new *berakhot* or “reassign” traditional *berakhot* to new occasions. But, from a halakhic perspective, *berakhot* are, in a sense, copyrighted liturgical forms which may be recited only for the purposes for which they were created. Thus, for example, one can compose an original prayer of appreciation at the sight of, say, an orchid. But if one recites the blessing “*borei pri ha-ez*” without actually eating one of the apples, or creates a new blessing for an apple or any other fruit, the prayer becomes — from the perspective of the halakhah — a serious religious offense instead of a positive religious expression.

Indeed, it is the argument surrounding a *berakhah* that is said during the *aliyot* at women's prayer service that exposes a difficulty. At a halakhic public reading of the Torah, the *oleh* (a man called to the reading of the Torah) first recites “*Barekhu*” (“Let us bless [God]. . .”), then repeats the congregational response. This is followed by a *berakhah*, “*asher bahar banu*” (“Who chose us. . .”), the Torah reading, and a concluding *berakhah*, “*asher natan lanu*” (“Who gave us [the Torah]. . .”). “*Barekhu*” requires a *minyan*, so it is omitted at women's prayer service readings. However, the concluding *berakhah*, argues Rabbi Saul Berman, can be said after a private reading; hence, some groups include it. But all agree that the opening *berakhah* can be said only preceding a halakhic public reading.

Yet, this first *berakhah* is recited by an *olah* (a woman called to the Torah reading) at many of the women's groups. Their reasoning is as follows. There is an identical personal blessing which must be said once each day, before engaging in any Torah study. If an individual neglects to say the *berakhah* in the morning, the obligation is fulfilled by saying the *Ahavah Rabbah* paragraph before *Keriyat Shema*, the content of which is very similar. If the *olah* deliberately omits saying the *berakhah* in the morning, refrains from Torah study until the *Sefer Torah* is taken out, and willfully excludes herself from the exemption obtained through saying the *Ahavah Rabbah* paragraph, then, the argument goes, she can finally say her obligatory, *personal* blessing before her Torah reading so that it *looks like the berakhah said at a public reading*. Using a Torah comes naturally. But the artificial and forced activities surrounding the saying of this *berakhah* at a Torah reading of a women's prayer group confirms its status as imitation.

This mimicry, clearly in opposition to R. Moshe's caution, is defended by Weiss. In fact, he notes that the Rav, Rabbi Joseph B. Soloveitchik, זצ״ל, specifically objected to this type of *berakhah* arrangement. Weiss correctly calls to task those who quote this very specific and limited objection to portray the Rav as opposed to wo-

men's prayer groups in general, when, in fact, he encouraged their formation. Nonetheless, Weiss ignores the criticism of one of his most important supporters, arguing only its technical points.

This approach is evident to those familiar with these services. For example, in a regular public reading, *Kaddish* is said after the seventh *aliyah*, to indicate that the required reading is completed. The person who will read the *haftarah* is called, and the *maftir* repeated from the Torah reading so as not to "shame" the person who is called to read from the prophets, as opposed to the Torah. *Kaddish* requires a *minyan*, so it is omitted at these groups. Then, despite the fact that the participants clearly claim that theirs is not the required Torah reading, the *maftir* is repeated with no logic other than to mimic the regular reading.

The problem, in a way, is not that establishing these groups has gone too far; rather, they have not gone far enough. There has been little attempt to make use of the license granted by the lack of a *minyan* to create new approaches. In a lecture at Lincoln Square Synagogue, Berman reported that the Rav had suggested to him that, inasmuch as the repetition of the *Amidah* (and *kedushah*) must be excluded in the absence of a *minyan*, the *kedushah* of *uva lezion* (which requires no *minyan*) be added after the silent *Amidah*. Here is creative counsel that draws on traditional motifs and adapts them for a new context. But in most women's prayer groups, the *hazzanit* simply stands silent when everyone else says her private *Amidah* and then says her own silent *Amidah* out loud to mimic the regular repetition.

In a sense, *Women at Prayer* has created an opportunity to take a more creative approach to these prayer groups. Under siege from a series of disingenuous halakhic criticisms, the organizers of the groups and their advisors have often misinterpreted critiques of specific forms as part of the general campaign against them. This is not an atmosphere for reconsideration of approaches and appropriate experimentation.

Now that the technical halakhic permissibility of women's prayer groups is on the record for all to see, the time may be right for a calmer discussion between congregational rabbis and those women in their synagogues who would find such prayer groups religiously enhancing.

New forms have to emerge organically from the groups' members, trying out new motifs as they live their experiment. We present here a few thoughts on the Torah reading by way of offering a model for approaching the issue. The key problem is distinguishing between mimicry and authenticity.

Even though the women's reading is not the required halakhic public Torah reading, it clearly is authentic to read the regular *parashah*, the focal point for many a *Shabbat* discussion. It also is appropriate to have a number of *aliyot*, as part of the reason for the reading is to offer different women the opportunity for intimate contact with the *Sefer Torah* — including, if they are able, reading from the *Sefer*. The idea of seven *aliyot* is part of the definition of the halakhic reading; the segments indicated in the *Humash* and the standard number called up should be seen as nothing more than a convenient division of the text, to be adjusted as necessary for the women's group. There is no logic (other than mimicry) to repeating a Torah section for the *maftir*, as indicated above. A more authentic model would be the reading for fast days, where the person receiving the last *aliyah* reads the *maftir*. Certainly there is no justification to restricting the first *aliyah* to a *bat kohen* (daughter of a *kohen*). Even the Halakhah Committee of the [Conservative] Rabbinical Assembly of Israel,

which follows the non-Orthodox custom of giving women *aliyot* in regular services, argues against such a policy:

[The] first *aliyah* is not just a fringe benefit, but, rather, one of the main rituals that a *Kohen* does and, thus, by allowing women to fulfill this function the people will think that a woman can be a *Kohen*, an idea which has no basis in Jewish tradition. . . . [In Conservative] congregations where women receive *aliyot*, a *bat Kohen* and a *bat Levi* have the same status as an Israelite (Responsa of the *Va'ad Halakhah*, vol. 3, p. viii).

There is no disagreement that saying *Barekhu* requires a *minyan* and must be omitted in a women's group. Whether or not to recite the second *berakhah* rests on a halakhic debate concerning the necessity of a *minyan*, a common occurrence in halakhah. One simply follows the decision of the group's halakhic advisor.

It is the opening *berakhah* which is problematic, as we indicated earlier. This is not only because of its forced and manipulative nature, as if not studying Torah all morning (because the private *berakhah* has not been said) is an appropriate way to prepare for an *aliyah*. It also feeds into the popular misconception that it is the *berakhah* which establishes the religious integrity of the action. Indeed, originally, only the first *oleh* recited the opening *berakhah* and only the last person recited the closing one. With people going in and out during the Torah reading, some people might have missed one *berakhah* or the other. It was therefore decided to have each *oleh* say both *berakhot*. Originally, when women, too, received *aliyot*, they — like most of the men — did not say either of the two.

But, apparently, they did say *Barekhu*. "It was only *birkhot haTorah* which were originally not said; *Barekhu* was recited," writes Hatam Sofer (*Responsa Hatam Sofer, Oraḥ Hayyim*, responsum number 66). And there is an authentic motif related to *Barekhu* that can be easily adapted to women's prayer groups: the *zimmun*, *rabotai nevarekh*, the call to prayer recited before *birkhat hamazon* (the "grace" after meals) when a quorum of three adults is present.

Both *Barekhu* and *zimmun* constitute a call to the public to praise God, coupled with a public response. *Barekhu*, which, in effect, calls to the congregation to focus on the Torah reading, requires a *minyan*; but, as all halakhists agree, *zimmun* is fully legitimate in an all-female community. *Zimmun* is, in a sense, the analog for *Barekhu* in a woman's group.

The Talmud (*Berakhot* 45a) suggests two source texts for the *zimmun*: "Exalt the Lord with me; let us extol His name together" (Psalms 34:4), and "For the name of the Lord I proclaim; give glory to our God" (Deut.32:3). It would, I think, capture and adapt the original dynamics for the *olah* to call out one of the verses and have the congregation respond with the other (or some variant, such as her calling out half of one verse, the congregation completing it, and she reciting the second). This is how, I believe, one begins to create novel forms for a new, legitimate experience.

The jury is still out on the future of women's prayer groups. If synagogues become more sensitive to women's needs and the prayer groups stagnate in their current patterns, they will probably not grow past their present status. If their organizers reach out, interact with allies in the broader halakhic community, and draw on a wider circle of participants, they may yet add a totally new and exciting dimension to the modern Orthodox community. Weiss' book gives these groups an opportunity to move forward. Our community will be the richer if they do.

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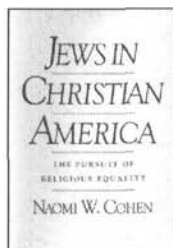
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